



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.32119 of 2024

Ranjan Kumar Mohanty* *Petitioner

Mr. N.R. Routray, Advocate

-versus-

Union of India and others* *Opp. Parties

*Mr. P.K. Parhi, D.S.G.I. along
with Mr. D.P. Pattnaik, C.G.C*

CORAM:

THE HON'BLE MR. JUSTICE S.K. SAHOO

THE HON'BLE MISS JUSTICE SAVITRI RATHO

ORDER

22.01.2025

Order No.

01. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Mr. P.K. Parhi, learned Deputy Solicitor General of India along with Mr. D.P. Pradhan, learned Central Government Counsel filed appearance memo on behalf of the Union of India, which is taken on record.

Heard learned counsel for the petitioner and learned counsel for the Union of India.

This writ petition has been filed by the petitioner Ranjan Kumar Mohanty with a prayer to quash the order dated 13.09.2024 passed by the learned Central Administrative Tribunal, Cuttack Bench, Cuttack in



O.A. No.324 of 2021 under Annexure-12.

The petitioner approached the learned Tribunal as his representation for regularization of his service was rejected by the opposite parties.

From the factual scenario, it appears that in response to an advertisement of Indian Red Cross Society, Odisha State Branch, Bhubaneswar on 12.03.2015, the petitioner was selected for the post of Project Coordinator in Maintenance Management Unit (MMU) and engaged on a consolidated pay of Rs.18,900/- (rupees eighteen thousand nine hundred) per month vide letter dated 21.05.2015 and the petitioner continued to discharge his duty in a regular manner. The petitioner submitted a representation on 20.10.2020 praying for consideration of his case for regularization. The representation was rejected and the same was communicated to the petitioner, whereafter, the petitioner filed another representation reiterating the same prayer for regularization, which was also rejected. The prayer of the petitioner was turned down by the learned Central Administrative Tribunal relying upon the ratio laid down in the case of **Secretary, State of Karnataka -Vrs.- Uma Devi(3) reported in (2006) 4 Supreme Court Cases 1** and it was held that since the contract agreement of the applicant was over and his services were terminated



thereafter, there is no illegality on the part of the respondents in rejecting the claim of the applicant for regularization or terminating his service as per rules and agreement executed by both the parties.

Learned counsel for the petitioner submitted that though in the impugned judgment, it has been held that no document has been produced by the petitioner to show that he has been working for more than ten years continuously but in the counter affidavit filed by the respondents, it is stated that the petitioner has served in the organization for more than nine years previously to this appointment. Learned counsel for the petitioner placed the ratio laid down by the Hon'ble Supreme Court in a recent decision i.e. in the case of **Jaggo -Vrs.- Union of India and others reported in 2024 INSC 1034**, wherein in paragraphs 26 and 27, it has been held as follows:-

"26. While the judgment in **Uma Devi** (supra) sought to curtail the practice of backdoor entries and ensure appointments adhered to constitutional principles, it is regrettable that its principles are often misinterpreted or misapplied to deny legitimate claims of long-serving employees. This judgment aimed to



distinguish between “illegal” and “irregular” appointments. It categorically held that employees in irregular appointments, who were engaged in duly sanctioned posts and had served continuously for more than ten years, should be considered for regularization as a one-time measure. However, the laudable intent of the judgment is being subverted when institutions rely on its dicta to indiscriminately reject the claims of employees, even in cases where their appointments are not illegal, but merely lack adherence to procedural formalities. Government departments often cite the judgment in **Uma Devi** (supra) to argue that no vested right to regularization exists for temporary employees, overlooking the judgment's explicit acknowledgment of cases where regularization is appropriate. This selective application distorts the judgment's spirit and purpose, effectively weaponizing it against employees who have rendered indispensable services over decades.



27. In light of these considerations, in our opinion, it is imperative for government departments to lead by example in providing fair and stable employment. Engaging workers on a temporary basis for extended periods, especially when their roles are integral to the organization's functioning, not only contravenes international labour standards but also exposes the organization to legal challenges and undermines employee morale. By ensuring fair employment practices, government institutions can reduce the burden of unnecessary litigation, promote job security, and uphold the principles of justice and fairness that they are meant to embody. This approach aligns with international standards and sets a positive precedent for the private sector to follow, thereby contributing to the overall betterment of labour practices in the country."

Issue notice on the question of admission indicating therein that the matter shall be disposed of finally at the stage of admission.



Learned counsel for the Union of India accepts notice on behalf of all the opposite parties. Four extra copies of the writ petition be served on the learned counsel for the Union of India by 25.01.2025.

List this matter in the week commencing from 03.03.2025 indicating the names of Mr. P.K. Parhi, learned Deputy Solicitor General of India and Mr. D.P. Pradhan, learned Central Government Counsel appearing for the Union of India in the cause list as well as at the top of the brief.

Counter affidavit, if any, be filed in the meantime.

(S.K. Sahoo)
Judge

(Savitri Ratho)
Judge

RKM

Signature Not Verified

Digitally Signed
Signed by: RABINDRA KUMAR MISHRA
Reason: Authentication
Location: HIGH COURT OF ORISSA, CUTTACK
Date: 24-Jan-2025 19:00:18

