



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No. 31507 of 2024

Ajay Kumar Gan & Ors.

.....

Petitioners

Mr. D.P. Dhalsamanta, Advocate

-versus-

State of Odisha & Ors.

.....

Opposite Parties

Mr. M.R. Mohanty, AGA

CORAM:

THE HON'BLE MR. JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

22.08.2025

Order No. 03

1. This matter is taken up through hybrid mode.
2. Heard Mr. D.P. Dhalsamanta, learned counsel appearing for the Petitioners and Mr. M.R. Mohanty, learned Addl. Govt. Advocate appearing for the Opp. Parties.
3. Even though the present writ petition has been filed inter alia with multiple prayer, but in course of hearing learned counsel appearing for the Petitioners contended that the prayer be confined with regard to regularization of the service of the Petitioners is concerned.
4. It is contended that even though Petitioners were all engaged on daily wage basis, but vide order dtd.27.06.2017 under Annexure-2 series they were conferred with temporary status taking into account the Finance Department Resolution issued in that regard on 04.09.2012 under Annexure-1. In spite of such long continuance, Petitioners are not yet being regularized.
- 4.1. It is contended that taking into account the continuance of the Petitioners on daily wage basis prior to 12.04.1993 and conferment of



temporary status vide order dtd.27.06.2017 under Annexure-2 series, Petitioners are eligible and entitled to get the benefit of regularization in view of the decision in the case of ***Uma Devi***, (2006) 4 SCC-1, ***State of Karnatak vs. M.L. Keshari***, (2010) 9 SCC 247, ***Amarkant Rai vs. State of Bihar & Others***, 2015 (8) SCC 265 and ***Nihal Singh Vrs. State of Punjab***, 2013 (14) SCC 65 and recent decision of the Apex Court in the case of ***Jaggo Vs. Union of India & Ors.***, 2024 SCC OnLine SC 3826 and ***Shripal & Anr. Vs. Nagar Nigam, Ghaziabad***, 2025 SCC OnLine SC 221 as well as ***Dharam Singh & Ors. Vs. State of U.P. & Anr.*** (Civil Appeal No(s). 8558 of 2018. It is accordingly contended that in view of the decision of the Hon'ble Apex Court as cited (supra), Petitioners are eligible and entitled to get the benefit of regularization and necessary direction be issued to Opp. Party No. 3 to regularize their services prior to their retirement.

5. Learned Addl. Standing Counsel on the other hand placing reliance on the stand taken in the counter affidavit, contended that since Petitioners are not continuing against any sanctioned vacant post, they are not eligible to get the benefit of regularization.

6. Having heard learned counsel appearing for the Parties and considering the submissions made and taking into account the fact that Petitioners were all engaged on daily wage basis prior to 12.04.1993 and subsequently have been conferred with temporary status vide order dtd.27.06.2017 under Annexure-2 series basing on the Resolution issued by the Finance Dept. on 04.09.2012 under Annexure-1, it is the view of this Court that claim of the Petitioners to get the benefit of regularization requires a favourable consideration in view of the decisions as cited (supra). Therefore, this Court while disposing the writ petition, directs Opp. Party No. 3 to take a lawful



decision on the Petitioners' claim to get the benefit of regularization following the decisions as cited (*supra*) within a period of two (2) months from the date of receipt of this order with due communication to the Petitioners. Petitioners are permitted to provide a copy of this order along with the citations as cited *supra* before Opp. Party No. 3 for compliance.

7. The writ petition is disposed of accordingly.

(BIRAJA PRASANNA SATAPATHY)
Judge

Sneha

Signature Not Verified

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Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 25-Aug-2025 17:53:36

