



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 38991 of 2023

Sudhir Kumar Nath

.....

Petitioner

Mr. S. Roy, Adv.

-versus-

State of Odisha & Ors.

.....

Opposite Parties

Mr. C.K. Pradhan, AGA

CORAM:

THE HON'BLE MR. JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

04.05.2026

Order No. 03 I.A. NO. 5116 of 2026 & W.P.(C) No. 38991 of 2023

1. This matter is taken up through hybrid mode.
2. Heard learned counsel appearing for the Parties.
3. The Writ Petition has been filed inter alia with the following prayer:-

"It is therefore prayed that this Hon'ble Court may graciously be pleased to admit the writ petition and issue Rule "NISI" to the Opp. Parties to show cause as to;

(i) Why the impugned order dated 07.07.2023 passed by the Opposite Party No.1 under Annexure-11 in the facts and circumstances of the case will not be declared as illegal and as such liable to be set aside; and

(ii) Why the Opposite Parties will not be directed to regularize the services of the petitioner within a stipulated time; and

(iii) Why the Opposite Parties will not be directed to extend the benefit of pension and other pensionary benefits as provided under OCS (Pension) Rule, 1992 on retirement of the petitioner; and



And if the Opp. Parties do not show cause then the Rule be made absolute by issuing appropriate writ/writs and any other order as deem fit be passed.

And for this act of kindness, the petitioner shall as in duty bound ever pray.”

4. Learned counsel appearing for the Petitioner contended that during pendency of the Writ Petition, Petitioner though has been regularized and has been brought over to the Regular (Wages) Establishment vide order dated 24.02.2026 under Annexure-A to the I.A., but in the said order it has been indicated that Petitioner could not be relieved to join in the Regular (Wages) Establishment, if the Petitioner does not withdraw the pending Court cases.

4.1. Learned counsel appearing for the Petitioner contended that Petitioner is aggrieved by such terms and conditions so indicated in Serial No.2 of order dated 24.02.2026, which reads as follows:-

“2. The W/C employees involved in Court/CONTC Cases should not be relieved to join under Regular (Wages) Establishment, the approval for relieve should be obtain from this office after finalization of pending court cases/withdrawal of the court cases.”

It is accordingly contended that on the face of the prayer made in the writ petition and its pendency, petitioner be permitted to join in the regular (Wages) Establishment.

5. Learned Addl. Govt. Advocate on the other hand contended that since Petitioner in the meantime and during pendency of the Writ Petition has already been regularized and has been brought over to the



Regular (Wages) Establishment vide office order dated 24.02.2026, the Writ Petition with the prayer as made has become infructuous.

It is further contended that after such regularization of the Petitioner with his joining in the regular (Wages) Establishment, Petitioner's claim to be covered under OCS (Pension) Rules, 1992 will be dealt with, if raised.

6. Having heard learned counsel for the Parties and considering the submission made, this Court while disposing the Writ Petition permits the Petitioner to join in terms of order dated 24.02.2026, but without prejudice to his rights for coverage under OCS Pension Rules, 1992.

7. With the aforesaid observation and direction, the Writ Petition and I.A. stand disposed of.

(BIRAJA PRASANNA SATAPATHY)
Judge

Jyoti

Signature Not Verified

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Signed by: JYOTIPRAVA BHOL
Reason: Authentication
Location: HIGH COURT OF ORISSA
Date: 08-May-2026 10:54:22

