

02. 31.01.2019

Heard learned counsel for the petitioners.

By way of this writ petition, the petitioners-State have challenged the order dated 25.10.2016 passed by the Odisha Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No.600 (C) of 2015. The Tribunal in its order dated 25.10.2016 disposed of the Original Application, relevant portion of which is reproduced below:

“..... Now the question is with regard to regularization of the applicants. It appears that 8 Dental Surgeons who have been appointed pursuant to order vide annexure-2 have been regularized vide order dtd. 16.01.2015. As the appointment of the applicants is against the 8 posts of Dental surgeon created vide letter dtd. 28.08.2002 (annexure-1) and they have been appointed by the C.D.M.O. as per the delegated power; there is no reason to discriminate them (the applicants) if they fulfill the eligibility criteria and otherwise suitable. Eight contractual Dental Surgeons have been regularized as per the resolution of the Government dtd. 16.01.2015 and hence the applicants case need to be considered following the said resolution.

Thus in view of the resolution of the Government dtd.16.01.2015, as the services of 8 (eight) Dental Surgeons, who have been appointed on contractual basis have already been regularized, the Respondents are directed to consider and take action for regularization of the services of the applicants in O.A. No.597(c)/2015, O.A. No.884(c)/2015 and O.A. No.600(c)/2015, who have already completed more than six years of contractual service, if they are otherwise eligible following the said resolution, within a period of three months from the date of receipt of a copy of this order.

So far as the applicants in O.A. No.595(c)/2015 and O.A.645(c)/15 as they have not yet completed six years of contractual service, their cases may be considered, as and when they were found

eligible for regularization. However, they may be allowed to continue, if vacancies are available as per the interim order passed on 04.02.2016.”

It will not be out of place to mention that the Government as usual has not filed reply before the Tribunal and now challenging the order of the Tribunal. However, in absence of any reply/counter, learned Tribunal decided the matter on the basis of the materials available on record. Thus, we are not inclined to entertain this writ petition only on that ground.

Accordingly, the writ petition stands dismissed.

.....
(K.S. Jhaveri)
Chief Justice

.....
(K.R.Mohapatra)
Judge