

02. 30.09.2019

Heard Mr. S.K. Singh, learned counsel for the petitioner and Mr. A.R. Dash, learned Addl. Government Advocate appearing for the State opposite parties.

The petitioner has filed this writ application seeking direction to the opposite parties to regularize the services of the petitioner by creating a post of a driver in the office of Tahasildar, Dharmasala in the district of Jajpur and grant consequential service benefits.

Mr. S.K. Singh, learned counsel for the petitioner contended that the petitioner joined as driver in the office of the Tahasildar, Dharmasala on 22.03.2000 and from that date he continued to discharge his duty and considering the need of the post the Tahasildar requested the Collector and District Magistrate, Jajpur, vide letter dated 13.04.2017, for creation of the post of driver and accordingly the Collector, Jajpur also requested the Government. In the meantime, the petitioner has already rendered more than 19 years of service. It is therefore contended that in view of the judgment of the apex Court in ***Nihal Singh v. State of Punjab***, (2013) 14 SCC 65, if there is existence of need for the post, the authority shall take necessary steps for creation of the post and allow the person to continue in the said post.

In view of such legal position, the writ application stands disposed of directing the opposite parties to consider the case of the petitioner for absorption in the regular post by creating a new post taking into consideration the judgments of the apex Court in ***Nihal Singh*** (supra) as well as the ratio decided by the apex

Court in ***State of Karnataka v. Umadevi*** (3), (2006) 4 SCC 1. The entire exercise shall be completed within a period four months from the date of communication of this order.

The writ application thus stands disposed of.

Issue urgent certified copy as per rules.

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DR. B.R. SARANGI, J.

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