
(2011) 03 OHC CK 0044

In the Orissa High Court

Case No : CONTC No's. 696 and 1360 of 2008

Sarojkanta Mohapatra

APPELLANT

Vs

Dr. Arun Kumar Panda and Others

RESPONDENT

Date of Decision : 03-03-2011

Acts Referred:

Citation : (2011) 111 CLT 786

Hon'ble Judges : S.K. Mishra, J; L. Mohapatra, J

Bench : Division Bench

Judgement

1. Heard Learned Counsel for the Petitioner & Learned Advocate General. The Petitioners in both the Contempt Petitions alleged non-compliance of the following Order Dated 5.12.2007 passed by this Court in OJC No. 5379 of 2000.

Heard Learned Counsel for the Petitioner as well as Learned Addl. Government Advocate appearing for the State.

The Petitioner filed this Writ Petition in the year 2000 with a prayer to direct the Director of Employment Exchange, Orissa, Bhubaneswar (O.P. No. 3) to sponsor his name by relaxing the maximum age limit to make him eligible for the posts of Junior Assistant in the Local Fund Service Cadre, as he was is a Local Self Government Diploma holder.

In the counter affidavit filed by the O.P. Nos. 1 & 2, i.e., Secretary to Government in Housing & Urban Development & Director, Municipal Administration, it is stated that in the mean time the name of the Petitioner has been sponsored, the interview of L.S.G.D. holders including the present Petitioner for the posts of Junior Assistant under L.F.S. Cadre has already been conducted to enable the Housing & Urban Development Department to prepare a merit list & after finalization of same, suitable steps will be taken for appointment of selected candidates including the Petitioner against the available vacant posts of Junior Assistant against direct recruitment quota taking into ratio of 50:50 as per the provision of the O.L.F.S. Rules, 1975.

Considering the averments made in the counter affidavit filed by the O. Ps. 1 & 2, we direct the State Government in Urban & Housing Development Department to take steps in terms of the affidavit & complete the entire exercise within a period of three months from the date of communication of this order.

The Writ Petition is accordingly disposed of.

Sd/-B.P. Das, J Sd/- A.K. Samantaray, J.

2. The contemner Commissioner-Cum-Secretary to Government of Orissa, Housing & Urban Development Department as well as the Commissioner-Cum-Secretary to Government of Orissa, Finance Department, Bhubaneswar, have filed separate affidavits. As it appears in both the affidavits filed by two Secretaries that out of the total number of posts available, 5-0% are to be filled up by way of direct recruitment & the Secretary, Housing & Urban Development Department has indicated in the affidavit that out of the total number of posts filled up by way of direct recruitment, some are to be reserved for the purpose of appointment of compassionate ground & also for the purpose of regularization. The Finance Department, as it appears from the affidavit filed, has not agreed to the said proposal as yet & the matter is kept pending at that stage. Learned Advocate General appearing for both the Secretaries, submits that if the proposal is submitted by the U.D. Department again indicating the number of vacancies available for direct recruitment, number of posts to be kept reserved for appointment on compassionate grounds & for regularization, the Finance Department can take a decision.

3. Without expressing any opinion as to whether it is open for the U.D. Department to make any such reservation or not thereby reducing the number of posts for direct recruitment, we dispose of both the Contempt Petitions with a direction to the Secretary, H & U.D. Department & Secretary, Finance Department, to take a decision & implement the same within a period of two months from the date of communication of this order. Both the Contempt Petitions are disposed of accordingly.

4. Copy of this order be handed over to the Learned Advocate General for compliance.

5. Urgent certified copy of this order be granted on proper application.