

[O. H. C.-97-A]

SHAKTI PRASAD PANDA, A.G.A

In the High Court of Orissa
ORDER SHEET



BLAPL/W. P. (C.A) No. 1641/2023 of 20 23

STATE OF ODISHA

Versus

RAM CHANDRA MANGUAL

M/s Bidyadhar Maning,
A. Behera, D. Behera,
S. Das (CR-1 to 3)
M/s - H. M. Das
G. C. Sahoo (CR-4)
Petitioner
Opposite-Party

Sl. No. of Order	Date of Order	ORDER WITH SIGNATURE	Office note as to action (if any), taken on Order
 FC114680 SCANNED			<p>PRESENTED ON 18/07/2023 Register and Put up for Orders</p> <p> Registrar (Judicial)</p> <p>For SR</p> <p>20/7/23</p> <p>SR 24/7/23</p>



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No. 1641 of 2023

State of Odisha and Others ... *Appellants*

Mr. Saswat Das, Addl. Govt. Advocate

-versus-

Ram Chandra Mangual and Others ... *Respondents*

CORAM:

HON'BLE THE CHIEF JUSTICE
HON'BLE MISS JUSTICE SAVITRI RATHO

ORDER

22.10.2024

Order No.

I.A. No.4367 of 2023

01. The matter is taken up through Hybrid mode.
2. This application has been filed by the appellants-State for dispensing with filing of certified copy of the order under Annexure-1.
3. For the reasons stated in the application, the prayer for dispensing with filing of certified copy of the order under Annexure-1 is allowed. Four weeks' time is allowed to file the certified copy of the said order. Accordingly, the application stands disposed of.

I.A. No.4365 of 2023

4. Issue notice to the respondents on the question of condonation of delay by Registered Post/Speed Post with A.D. returnable within four weeks. Requisites be filed by 28.10.2024.
5. List this matter on 03.12.2024.

(Chakradhari Sharan Singh)
Chief Justice

(Savitri Ratho)
Judge



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No. 1641 of 2023

State of Odisha and others *Appellants*
Ms. A. Dash, Addl. Standing Counsel
-versus-
Ram Chandra Mangual and others *Respondents*
Mr. G.C. Sahu, Advocate (R/4)

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MISS JUSTICE SAVITRI RATHO

ORDER

03.12.2024

Order No.

02.

I.A. No.4365 of 2023

This matter is taken up through Hybrid mode.

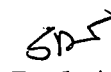
2. None appears for respondent No.1 when the matter is called.

W.A. No.1641 of 2023

3. List this matter on 10.12.2024 for fresh admission when the application for condonation of delay shall also be considered.

4. The certified copy of the impugned order shall be filed before the next date.


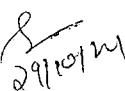


(Chakradhari Sharan Singh)
Chief Justice


(Savitri Ratho)
Judge

IN THE HIGH COURT OF ORISSA

Case No. WA - 1641 / 23

OFFICE NOTES

Sl. No. of Order for compliance	Date of Order for compliance	Notes and action taken on order with signature of Dealing Assistant and Superintendent
		<p>i) T.A No-4365 of 2023 is at flag-'A' for condonation of delay.</p> <p>ii) T.A No-4367 of 2023 is at flag-'C' for dispensing with filing of certified copy.</p> <p>For Orders Along with-W P(C) No-17451/2021 11/8/23 22/8/24</p> <p>Susmita Panda 11/8/23 22/8/24</p> <p> Order No of Memo <u>20982-85</u> Dtd <u>04/11/24</u>. Notice on limitation matter issued to R-1 to 7 fixing on 29/11/2024 by R.P with AD for appearance & show cause</p> <p> 29/11/24</p> <p> 29/11/24</p>

IN THE HIGH COURT OF ORISSA

Case No. WA - 1641/2023

OFFICE NOTES

Sl. No. of Order for compliance	Date of Order for compliance	Notes and action taken on order with signature of Dealing Assistant and Superintendent
		<p>AD from R. 1, 2, 3 & 4 returned after valid service.</p> <p><u>S</u> 29/11/24</p> <p>Receipt showing service of copy of appeal memo along with annexures, I.A. on counsel for the Respondent not filed.</p> <p><u>S</u> 29/11/24</p> <p>M/S Bidyadhar Mansing, A. Behera, D. Behera & S. Das entered appearance on behalf of R-1 to 3.</p> <p><u>S</u> 29/11/24</p>
01	22.10.2024	<p>(i) I.A. no-4365/23 is at flag 'A' for further order reg. condonation of delay.</p> <p>(ii) C-copy of impugned order not yet filed. Order no. 01 may kindly be seen.</p> <p>For orders</p> <p>Along with WPC-1 - 17451/21 a disp. of case Susmita Panda DB 29/11/24</p> <p>Adm to 03/12/24</p>

IN THE HIGH COURT OF ORISSA

Case No. WA-1641/2023

OFFICE NOTES

Sl. No. of Order for compliance	Date of Order for compliance	Notes and action taken on order with signature of Dealing Assistant and Superintendent
02	03.12.2024	<p>For Fresh Admission</p> <p>(i) LA No - 4365/23 is at flag 'A' for further order reg. condonation of delay.</p> <p>(ii) c-copy of impugned order not yet filed.</p> <p>(iii) LA No - 4366/23 is at flag 'B' for stay.</p> <p>Order no. 02 may kindly be seen.</p> <p>Along with WPC - 17451/24 a disp. of case</p> <p>Sumantha Panda DB</p> <p>7/12/24</p> <p><u>Adjn to 10/12/2024</u></p> <p><u>B. S. and P.</u> 9/12/24</p>



ORISSA HIGH COURT
FILING ACKNOWLEDGEMENT SLIP

CNR	ODHC010552532023
Filing No	WA/0001641/2023
Date and Time	18/07/2023-16:44:08
Misc Case/IA	4365/2023,4366/2023,4367/2023
Petitioner Name	STATE OF ODISHA
Petitioner Advocate Name	SHAKTI PRASAD PANDA,A.G.A
Respondents Name	RAM CHANDRA MANGUAL
Respondents Advocate	
Amount	
Police Station	
FIR	-



Tuesday 18th of July 2023 05:11:05 PM

1. RFA/RSA/FAO/SAO/LRA/SPA/CRP/Review pet/O. Ref/EXFA/EXSA/SM/APP Tr. P(c) WP (c)/WA/SCLP/Co. Appl/Co. Pet/Co. Case/Co. App/Bkg, P/Mat. A/Mat Ref/RP (FAMCT) Test Case / Intest. Case/L.A. Ref/ RCFA/ L.A.A./RCSA/RE Rev/MAC/MAC APP/EL Pet/ ELAPP/Arb, P/Arb. A/Arb. A/Insurance Ref/Cont. Cas(c)/Coutd. App (c) / MFA(name of the Act)/MSA/SP. JC (name of the Act) Cri A/Cri. Rev/Ckl. M. C/ BLAPI/Cal. MAPPI/WP (crl) CUSREF STREV.

Case Type WA No 1641 / 2023 Date of Regn. 18/7/23

2. If 'State' is Party, Name of the Deptt: (Pet/Res) [Put Mark]

HOUD

If Public Undertakings (Specify name): (Pet/Res) [Put Mark]

3. (a) Number of Category under which the matter falls:

31

02

00

If Others, Specify the subject

(b) Which is applicable? [Put Mark]
(Single Bench/Div. Bench/Three Judge Bench/Five Judge Bench)

4. Article of the Constitution/Act (Central/State) [Put Mark]

Article - 4 of Adesh High Court 1948

5. Section/Sub-Section Involved

6. Rules Involved NA

7. Whether any other matter is pending in this Court on the same point of law :
If so, give the number of matter :

NA

8. Whether any other matter is pending against the impugned order/Judgement?
If so give the number of matter

NA

9. Whether the matter is covered by any judgement of. the Supreme Court this Court or any other High Court, If so give the details of the judgement

10. Point of law involved in the matter Challenging the order passed by the Single Bench

Date 17-07-23

Shivani K. K.
Signature of the Advocate

High Court of Orissa

Acknowledgement



CNR : ODHC010552532023

Efiling No : AOD20220001886C202300506

Filing No. : WA/1641/2023

Date of Filing : 18-07-2023

Petitioner : STATE OF ODISHA

Time of Filing : 16:44:08

Petitioners : SHAKTI PRASAD

Respondent : RAM CHANDRA

Advocate : PANDA,A.G.A

MANGUAL

: 0.00

[Print](#)



STAMP REPORT

CASE NO.....*W.A. 1641/23*

LIMITATION

Date of Judgement Awards *11-6-21*
Date of Valid Presentation *18-7-23*
Total Period Occupied *768 days*
Limitation *30 days*
Certified Copy Period *— day*
Delay in filing *738 days*

1. In time*NO*.....Expired on *11-7-21*
2. Period of delay *738 days delay* *G.A. for condonation of delay filed*
3. Court Fee *of 1812/- paid*
4. Authentication fee due on the
(a) Copy of Trial Court Judgement
Rs.....*x*..... Decree Rs.....*x*.....
(b) Appellate Court Judgement Rs.....*x*.....
Decree Rs.....*x*.....
5. (a) Copy of Trial Court Judgement/Order^p
(b) Appellate Court/Revisional Order
Judgement *C. Copy of impugned order not filed. G.A. for dispensing with filed*
(c) Second Copy Petition *filed*
(d) Receipt showing copy on A.G.^p
(e) Vakalatnama properly stamped,
Executed and accepted *Mem of appearance filed*
6. (a) Cause Title *in order*
(b) Provision of Law *furnished*
7. Code *indicated*
8. Single Judge/Division Bench Case *D.B.*
9. Other Defects *x*

24/7/23
STAMP REPORTER

RECEIVED
STAMP REPORTER

IN THE HIGH COURT OF ORISSA: CUTTACK.

W.A. No. 1641 /2023.

(Arising out of WP(C) No.17451/2021,

Disposed of on 11.06.2021)

Code No. 31020....

State of Odisha & another ... Appellants.

-Versus-

Ram Chandra Mangual & ors ... Respondents.

INDEX

Sl. No.	Description of Documents	Pages
1.	SYNOPSIS	A
2.	DATE CHART	B
3.	Writ Appeal	1 - 14
5.	<u>Annexure-1.</u>	15-19

Copy of order dt.11.06.2021

in WP(C) No.17451/2021.

Cuttack.

Dt. 17.07.2023

Shakti Prasad Panda
Add. Govt. Advocate.

SHAKTI PRASAD PANDA

ENNO - 0-7/1993

MOB - 8847811581

A

SYNOPSIS

The appellants challenge the judgment dt.11.06.2021 passed by the Hon'ble Single Judge in WP(C) No.17451/2021 allowing exparte on the first date of fresh admission without issuing notice to the present appellants to have their say on the claim made by the present respondents No.1 to 3 for regularization of their services. The appellants, pray for setting aside the impugned order dt.11.06.2021 of the Hon'ble Single Judge passed in WP(C) No.17449/2021 by dismissing the writ petition.

Cuttack.

Dt. 17.07.2023

Addl. Govt. Advocate.

B

DATE CHART

27.07.1995: The Respondents No.1 to 3 were engaged as Tax Collectors in Banki NAC on DLR basis much after the cut-off date of 12.04.1993 and they were not engaged against sanctioned posts.


08.06.2021: The Respondents No.1 to 3 filed WP(C) No.17451/2021 praying for a direction to the present appellants to regularize their services.

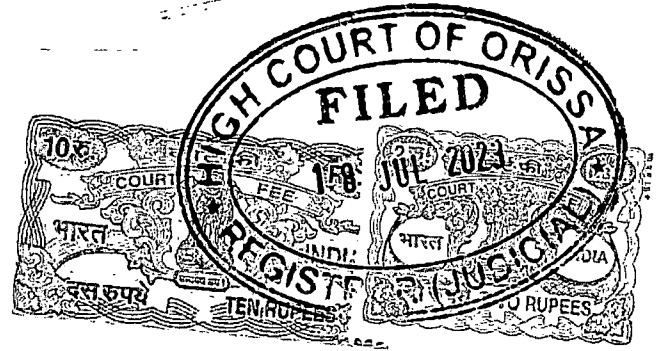
11.06.2021: WP(C) No.17451/2021 was listed for the first time for fresh admission and the Hon'ble Single Judge without issuing notice to the opp.parties (present appellants) disposed of the writ petition directing the appellants to regularize the services of the petitioners (present respondents No.1 to 3).

Hence this Writ Appeal.

Cuttack.

Dt. 17.07.2023


Addl. Govt. Advocate.



1
IN THE HIGH COURT OF ORISSA: CUTTACK.

W.A. No. 1641 /2023.

(Arising out of WP(C) No.17451/2021,

Disposed of on 11.06.2021)

Code No. 3.1.0200

In the matter of:

An appeal under Section 10 of the Letters
Patent of Patna High Court read with Article
4 of the Orissa High Court Rules, 1948;

AND

In the matter of:

presented on. 18/7/2023

Registrar (Judicial)

An appeal challenging the order dated
11.06.2021 passed by the Hon'ble Single
Judge in W.P.(C) No.17451 of 2021.

AND

In the matter of :

1. The state of orissa, represented through
the principal Secretary, Department of
H&U.D, Govt. of Odisha, Secretariate
Building, Bhubaneswar, Dist. Khurda,
AT PRESENT:

State of Odisha, represented through
Principal Secretary to Government,
Housing & Urban Development
Department, 3rd Floor, Kharavel
Bhavan, Bhubaneswar, Dist.: Khurda.

Kalisharan Tudu

2. Director Municipal Administration and
Ex-officio Addl. Secy. To Govt. in
H&UD Dept. Govt. of Odisha
Bhubaneswar, Dist. Khurda,
AT PRESENT:

Director, Municipal Administration-
Cum- Special Secretary to Govt. in
Housing & Urban Development Dept.,
Govt. of Odisha, 3rd Floor, Kharavel
Bhavan, Bhubaneswar,
Dist.: Khurda. ... Appellants.

(Opp. Party No.1 & 2 in Writ Petition)

- Versus -

1. Ram Chandra Mangual, aged about 49
years, S/o Late Pabani Mangual, At
Ranpur, PO/PS- Banki, Dist. Cuttack.
2. Manoranjan Rout, aged about 52 years,
S/o Meghanad Rout, At Chakapadar
PO/P.S.- Banki, Dist. Cuttack
3. Narayan Mohapatra, aged about 49
years, S/o Late Durga Ch. Mohapatra,
At Charchika P.O/P.S.- Banki, Dist.
Cuttack, At present all are working as
Tax-Collector, Banki NAC, At/P.O/PS
- Banki, Dist Cuttack.

.... Respondents.

(Petitioners in Writ Petition)

Kalewarman Tudu

4. Banki N.A.C. represented through
Executive Officer At/P.O/P.S.- Banki,
Dist. Cuttack.

... Proforma Respondent.

(Opp. Party No.3 in Writ Petition)

The matter out of which this writ appeal arises
was before this Hon'ble Court in WP(C)
No.17451/2021, disposed of on 11.06.2021.

To

The Hon'ble Chief Justice of the High Court
of Orissa and His Lordships Companion
Justices of the said Hon'ble Court.

The humble petition of the
Appellants above-named;

Kalevram Tudu

MOST RESPECTFULLY SHEWETH:

1. That this writ appeal is directed against the
judgment dt.11.06.2021 of the Hon'ble Single
Judge passed in WP(C) No.17451/2021, by
which the writ application filed by the
respondents No.1 to 3 has been allowed exparte
on the first date of admission without issuing
notice to the present appellants to have their say
on the claim made by the present respondents
No.1 to 3 for regularization of their service. The

Hon'ble Single Judge while disposing the aforesaid writ application has unilaterally held that since the petitioners are continuing against sanctioned posts of Tax Collectors and completed more than 25 years of service and even though their appointment is irregular they should be regularized in view of the judgment of the apex Court in Umadevi(supra) and M.L.Keshari (supra). The Hon'ble Single Judge has directed the opposite parties to regularize the services of the petitioners by relying upon the order dt.27.11.2014 passed in WP(C) No.26860/2013, filed by Satya Prakash Tripathy, who was engaged as Community Organizer in Angul Municipality on ad-hoc basis; whereas the respondents No.1 to 3 in their writ petition have referred to the case of one Abhaya Kumar Das of Pattamundai Municipality bearing WP(C) No.7457/2018, disposed of on 17.09.2019. The appellants, inter-alia, pray for setting aside the impugned order dt.11.06.2021 of the Hon'ble Single Judge passed in WP(C) No.17451/2021 by dismissing the writ petition.

2. The facts leading to the present writ appeal is that the respondents No.1 to 3 had approached this Hon'ble Court in WP(C) No.17451/2021 with the following prayer:-

Kaluran Tudu



"The petitioners most respectfully prays that this Hon'ble Court may graciously be pleased to admit / allow this writ petition and hearing the parties to direct the O.Ps for regularization of his service in view of the judgement of the Hon'ble Court dtd.17.09.2019 under Annexure 3.

AND

Pass such other order (s) / direction (s) / writ (s) as are deemed just and proper in the bonafide interest of justice

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

3. That the respondents No.1 to 3 were engaged as Tax Collectors on DLR basis in Banki NAC on 27.07.1995 i.e., much after the cut-off date of 12.04.1993 as fixed by the Finance Department directing not to engage any DLR/NMR employee after the said date. The date of engagement of the respondents No.1 to 3 as 27.07.1995 is as per their own admission in the writ petition. The Executive Officer, NAC, Banki in the letter No.1095 dt.03.05.2023 has informed that the respondents No.1 to 3 were not engaged against sanctioned posts.

4. That feeling aggrieved by non-regularization of the services the respondents No.1 to 3 had filed WP(C) No.17451/2021 before this Hon'ble Court on 08.06.2021 with the reliefs quoted above.

Kaluvan Tudu

5. That WP(C) No.17451/2021 was listed on 11.06.2021 before the Hon'ble Single Judge for the first time and on the same day the Hon'ble Single Judge allowed the writ petition exparte at the fresh admission stage without issuing notice to the present appellants to have their say on the claim made by the present respondents No.1 to 3 for regularization of their services. The Hon'ble Single Judge while disposing the aforesaid writ application has unilaterally held that since the petitioners are continuing against sanctioned posts of Tax Collectors and completed more than 25 years of service and even though their appointment is irregular they should be regularized in view of the judgment of the apex Court in Umadevi(supra) and M.L.Keshari (supra). The Hon'ble Single Judge has directed the opposite parties to regularize the services of the respondents No.1 to 3 within a period of three months from the date of passing of the order. Copy of the order dt.11.06.2021 passed in WP(C) No.17451/2021 is filed herewith as Annexure-1.

Being aggrieved by the impugned order dt.11.06.2021 of the Hon'ble Single Judge passed in WP(C) No.17451/2021 in Annexure-1, the Appellants file the present Writ Appeal, inter-alia, on the following amongst other;

Kalevram Tudu



GROUND

- A. For that the impugned order is unsustainable both on facts and on law and as such liable to be set-aside.
- B. For that the impugned order suffers from gross non-application of mind to the facts situation of the case at hand and, therefore, is liable to be set-aside;
- C. For that the Hon'ble Single Judge without issuing notice to the present appellants requiring them to file their counter affidavit in dealing with the averments made by the respondents No.1 to 3 in the writ petition has disposed of the writ petition by unilaterally holding that the petitioners are continuing against sanctioned posts of Tax Collector and completed 25 years of service and even though their appointment is irregular they should be regularized in view of the judgment of the apex Court in Umadevi(supra) and M.L.Keshari(supra). In the event the present appellants would have been issued notice to file their counter affidavit, then they would have been in a position to place the real facts involved in the matter that the respondents No.1 to 3 were engaged on DLR basis after the cut-off date of 12.04.1993 and that too not against any sanctioned post and as such their cases are not covered under the decision of the Hon'ble Supreme

Kaluran Tudu

Court in the case of Umadevi(supra) and M.L.Keshari(supra). In view of the aforesaid facts, the impugned order suffers from gross irregularities and as such the same is liable to be set-aside.

D. ~~For that the~~ Hon'ble Single Judge has further unilaterally held in the impugned order that the petitioners are continuing against sanctioned posts of Tax Collectors for more than 25 years and even though their appointment is irregular they should be regularized in view of the judgment of the apex Court in Umadevi(supra) and M.L.Keshari(supra). The Hon'ble Single Judge in the order dt.11.06.2021 directed the opposite parties to regularize the services of the petitioners (present respondents No.1 to 3). In that view of the matter, the impugned order is liable to be set-aside.

kw E. For that it is humbly submitted that in the aforesaid writ petition, no counter has been filed. The Hon'ble Apex Court in the case of **Secretary, State of Karnataka Vs. Umadevi** (AIR 2006 SC 1806) has laid down the law in the following manner:

"44. One aspect needs to be clarified. There may be cases where irregular appointments (not illegal appointments) as explained in S.V. Narayanappa (supra), R.N. Nanjundappa (supra), and B.N. Nagarajan (supra), and referred to in paragraph 15 above, of duly qualified persons in duly sanctioned vacant

Kaluram Tudu

posts might have been made and the employees have continued to work for ten years or more but without the intervention of orders of courts or of tribunals. The question of regularization of the services of such employees may have to be considered on merits in the light of the principles settled by this Court in the cases above referred to in the light of this judgment. In that context, the Union of India, the State Governments and their instrumentalities should take steps to regularize as a onetime measure, the services of such irregularly appointed, who have worked for ten years or more in duly sanctioned posts but not under cover of orders of courts or of tribunals and should further ensure that regular recruitments are undertaken to fill those vacant sanctioned posts that require to be filled up, in cases where temporary employees or daily wagers are being now employed. The process must be set in motion within six months from this date. We also clarify that regularization, if any already made, but not sub judice, need not be reopened based on this judgment, but there should be no further by-passing of the constitutional requirement and regularizing or making permanent, those not duly appointed as per the constitutional scheme."

Kalevan Tudu

F. For that in the case of **State of Karnataka Vs. M.L. Keshari**, (2010) 9 SCC 243, the Hon'ble Apex Court in paragraph-7 observed as follows:

"It is evident from the above that there is an exception to the general principles against Regularization enunciated in Umadevi, if following candidates as fulfilled.

i) The employee concerned should have worked for 10 years or more in duly

sanctioned post without the benefit or protection of the interim order of any court or Tribunal. In other words, the State Govt. or its instrumentality should have employed the employee and continued him in service voluntarily and continuously for more than ten years.

ii) The appointment of such employee should not be illegal, even if irregular, where the appointments are not made or continued against sanctioned post or the person appointed do not possess the prescribed minimum qualification, the appointments will be considered to be illegal. But where the person employed possessed the prescribed qualification and was working against sanctioned post but had been selected without undergoing the process of open competitive selection, such appointments are considered to be irregular."

G. For that the Hon'ble Apex Court in the case of State of Rajasthan and others Vs. Dayalal and others, reported in 2011(2) SCC 429 in paragraph-12 observed as follows:

"We may at the outset refer to the following well settled principles relating to regularization and parity in pay, relevant in context of these appeals.

i) High Court in exercising the power under Article 226 of the Constitution will not issue directions for regularization, absorption or permanent continuance, unless the employee claiming regularization had been appointed in pursuance of regular recruitment in accordance with relevant Rules in an open competitive process, against sanctioned post.

Kaleem Tudu

The equality clause contained in Article 14 & 16 should be scrupulously followed and courts should not issue a direction for regularization of service of an employee which would be violative of constitutional scheme. While something that is irregular for want of compliance with one of the elements in the process of selection which does not go to the root of the process, can be regularized, back door entries, appointment contrary to the constitutional scheme and/or appointment of ineligible candidates cannot be regularized.

ii) Mere continuation of service by an temporary or adhoc or daily wage employee, under cover of some interim orders of the court would not confer upon him any right to be absorbed into service as such service would be 'litigious employment'. Ever temporary, adhoc or daily wage service for a long number of years, let alone service for one or two years, will not entitle such employee to claim regularization, if he is not working against a sanctioned post. Sympathy and sentiments cannot be grounds for passing any order of regularization in the absence of a legal right.

iii) Even where a scheme is formulated for regularization with a cut-off date (that is a scheme providing the persons who had put in a specified number of years of service and continuing in employment as on the cut-off date) it is not possible to others who were appointed subsequent to cut off date, to claim or contend that the scheme should be applied to them by extending the cut-off date or seek a direction for framing of such schemes providing for successive cut-off date."

H. - For that the aforesaid judgments leave no manner of doubt that unless and until four essential ingredients exist, the appointment cannot be made in

Kalevram Tudu

a regular / permanent basis and such four ingredients are sanctioned posts existing, vacancies existing in such sanctioned posts, eligibility inter alia being fulfilled by candidate as specified in the recruitment rules or other applicable guidelines/circular and finally of competition between the candidates by calling the candidates by advertisement in newspapers and through employment exchange. On bare reading of the aforesaid judgment, it is crystal clear that in order to be regularized one must have continued for more than 10 years against a sanctioned post. In the instant case, the respondents No.1 to 3 were engaged on daily wage basis after the cut-off date of 12.04.1993 and that too not against sanctioned posts. The ratio of any decision must be understood in the background of the facts of the case. A case is only an authority for what it actually decides and not what logically follows from it. A little difference in facts or additional facts may make a lot of difference in the presidential value of a decision of a decision. As held in the case of **Bharat Petroleum Corporation Ltd. & Anr. Vs. N.R. Vairaman's and others** (AIR 2004 SC 4778) a decision cannot be relied on without disclosing the factual situation. Since the petitioner was not appointed against a sanctioned post and even if he continued for more than 10 years, he cannot be

Kalevram Tudu

W

considered for regularization in accordance with the ratio decided in Umadevi's case (supra).

I. For that the appellants are aggrieved since this Hon'ble Court while disposing of W.P.(C) No.17451 of 2021 vide order dt.11.06.2021 although held the respondents No.1 to 3 are continuing against a sanctioned posts of Tax Collectors for more than 25 years, but did not grant opportunity to the Opposite Parties (present appellants) to put forth the actual factual background.

J. For that in any view of the matter, the impugned order of the Hon'ble Single Judge is otherwise not sustainable in the eyes of law and is therefore, liable to be set-aside.

P R A Y E R

On the facts and in the circumstances stated above, it is humbly prayed that this Hon'ble Court be pleased to set aside the impugned judgment dt.11.06.2021 passed in WP(C) No.17451/2021 by dismissing the writ petition;

And pass such other order(s) as deemed fit and proper in the bonafide interest of justice;

Kalavaram Tudu

And for which act of your kindness, the appellants shall as in duty bound, ever pray.

By the appellants through
Cuttack.

Dt. 17.07.2023

h
ADVOCATE
Certificate

Certified that the grounds set-forth are good grounds and I undertake to support them at the time of hearing and further cartridge papers are not readily available.

Cuttack.

Dt. 17.07.2023

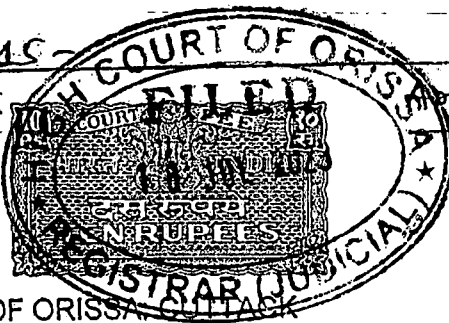
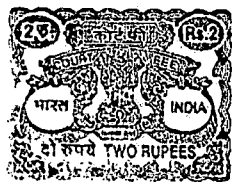
h
Addl. Government Advocate

SHAKTI PRASAD PANDA

ENNO-0-7/1993

MOB - 8847811581

Kalaram Panda



IN THE HIGH COURT OF ORISSA, CUTTACK

(ORIGINAL JURISDICTION CASE)

(Code No.310200)

W.P. (C) No. 17451 of 2021

IN THE MATTER OF:

An application under Articles-226 and 227 of the Constitution of India;

AND

IN THE MATTER OF:

An application for regularization of petitioners's service as Tax-Collector Anandpur N.A.C against the sanction post of the Govt. in H&U.D Deptt. Odisha BBSR vide order no.41016 dtd.11.10.1994. as the similar situated cases has been considered by the govt. as per order dtd.6.6.2016. ;

AND

IN THE MATTER OF:

1. Ram Chandra Mangual, aged about 49 years, S/o Late Pabani Mangual, At Ranpur P.O/P.S.- Banki, Dist. Cuttack, S.c.
2. Manoranjan Rout, aged about 52 years, S/o Meghanad Rout, At Chakapadar P.O/P.S.- Banki, Dist. Cuttack
3. Narayan Mohapatra, aged about 48 years, S/o Late Durga Ch. Mohapatra, At Charchika P.O/P.S.- Banki, Dist. Cuttack,
At present all are working as Tax-Collector, Banki N.A.C At/ P.O/P.S.- Banki, Dist. Cuttack

ANASINGHI
(ADVOCATE)
B.C.E.No-3-501/1995
Mobile-9937165032


TRUE COPY ATTESTED

15.7.2023
Deputy Secretary to Govt.
H & UD Department

..... PETITIONERSS

- VERSUS -

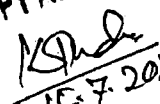
- 1). The State of Orissa, represented through the Principal Secretary, Department of H&U.D, Govt. of Odisha, Secretariate Building, Bhubaneswar, Dist. Khurda
- 2) Director Municipal Administration and Ex-officio Addl. Secy. To Govt. in H&UD Dept. Govt. of Odisha, Bhubaneswar, Dist. Khurda
- 3) Banki N.A.C. represented through Executive Officer At/ P.O/P.S.- Banki, Dist. Cuttack


ADHAR MANASINGH
(ADVOCATE)
C.E.No-D-501/1995
Jile-9937165032

..... OPP. PARTIES

The matter out of which this writ petition arises was never before this Hon'ble Court in any form whatsoever.

TRUE COPY ATTESTED To

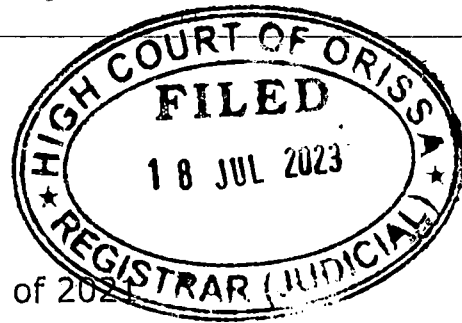

15.7.2023
Deputy Secretary to Govt.
H & UD Department

The Hon'ble Chief Justice of Orissa High Court and His Companion Justices of the said Hon'ble Court.

The humble petition of the
Petitioners, above named.

MOST RESPECTFULLY SHEWETH:

1. That, the petitioners who are working as Tax-Collector under the Opp. Parties since 27.7.95 and continuing till date upto the best satisfaction of the authority. The petitioners have filed the aforesaid writ application challenging the illegal action of the Opp. Parties due to non-regularization of the post of the petitioners as per Govt. Sanction order no.41016 dtd.01.07.1995. which is violating the statutory principles and provision of Law and guidelines framed there under. The Petitioners are selected as Tax-Collector and appointed vide order no.1336 dtd.27.7.95 and accordingly joined in the said post and performing their duties till date. In the similar situated cases of the said N.A.C. some case has been



-17-

W.P.C. NO.17451 of 2021

2 11.06.2021

The matter is taken up through video conferencing mode.

Heard Mr. B. Mansingh, learned counsel for the petitioners and learned Addl. Standing Counsel.

Mr. B. Mansingh, learned counsel for the petitioner states that the petitioners have been continuing as Tax Collector in Banki N.A.C. with effect from 27.07.1995. In the meantime, as the posts of Tax Collector have been sanctioned, the services of the petitioners should be regularized against the said post. He has referred to the case of *State of Karnataka v. Umadevi*, 2006 (4) SCC 1, wherein in paragraph 53 the apex Court has held that the State Governments and their instrumentalities should take steps to regularize as a onetime measure the services of such irregularly appointed, who have worked for ten years or more in duly sanctioned posts. Similar view has also been taken by the apex Court in *State of Karnataka and others v. M.L.Keshari and others*, 2010(II) OLR (SC) 982, wherein in paragraph 7 the apex Court has held as follows :

"7. It is evident from the above that there is an exception to the general principles against 'regularization' enunciated in *Umadevi* if the following conditions are fulfilled:

- (i) *The employee concerned should have worked for 10 years or more in duly sanctioned post without the benefit or protection of the interim order of any court or tribunal. In other words, the State Government or its instrumentality should have employed the employee and*

TRUE COPY ATTESTED

K. G. S. S.
15.7.2023

Deputy Secretary to Govt.
H & UD Department

- continued him in service voluntarily and continuously for more than ten years.*
- (ii) *The appointment of such employee should not W.P.(C) No. 7457 of 2018 2 be illegal even if irregular. Where the appointments are not made or continued against sanctioned posts or where the persons appointed do not possess the prescribed minimum qualifications, the appointments will be considered to be illegal. But where the person employed possessed the prescribed qualifications and was working against sanctioned posts, but had been selected without undergoing the process of open competitive-selection, such appointments are considered to be irregular.*

In that view of the matter, since the petitioners are continuing against sanctioned posts of Tax Collector and completed more than 25 years of service and even though their appointments are irregular, they should be regularized in service in view of the judgment of the apex Court in **Umadevi** (supra) and **M.L.Keshari** (supra).

It is of relevance to note that in a similar case, in respect of Angul Municipality, this Court vide order dated 27.11.2014 in W.P.(C) No. 26860 of 2013 directed the opposite parties to regularize the services of the petitioner therein in view of the judgments of the apex Court in **Umadevi** (supra) and **M.L.Keshari** (supra). Against the said order dated 27.11.2014 the State of Odisha, as well as Angul Municipality preferred W.A. No. 407 of 2015 which was dismissed on 19.01.2016. Against the order dated 19.01.2016 passed in W.A. No. 407 of 2015, the State as well as Angul Municipality filed S.L.P. before the apex Court and by a common order dated 13.05.2016 the

TRUE COPY ATTESTED

K. And
15.7.2023

Deputy Secretary to Govt.
H & UD Department

S.L.P. was dismissed. Consequentially, the State authorities issued office order dated 06.06.2016 for regularizing the petitioner in the said writ application.

In view of such position, the opposite parties are directed to regularize the services of the petitioners within a period of three months from the date of passing of this order.

With the aforesaid observation and direction the writ petition is allowed.

As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed, vide Court's Notice No.4587 dated 25th March, 2020, as modified by Court's notice no. 4798 dated 15th April, 2021.

.....
Dr. B.R. Sarangi, J.

Alok

TRUE COPY ATTESTED

[Signature]
15.7.2023

Deputy Secretary to Govt.
H & UD Department

IN THE HIGH COURT OF ODISHA: CUTTACK

WA No. 1641 OF 2023.

State of Orissa & Orissa

Appellant/Petitioners

-Versus-

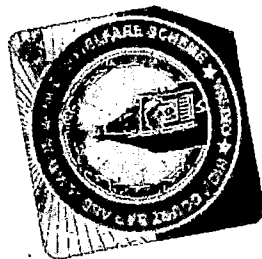
Ram Chandra Mangual & others
Respondent/Opp. Parties

APPEARANCE MEMO

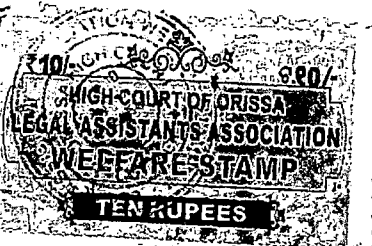
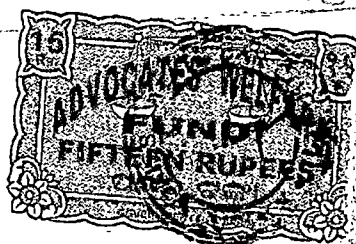
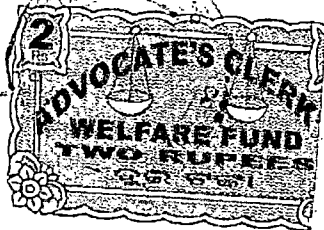
I hereby enter appearance in the above noted case on behalf of
~~the petitioners/Appellant~~

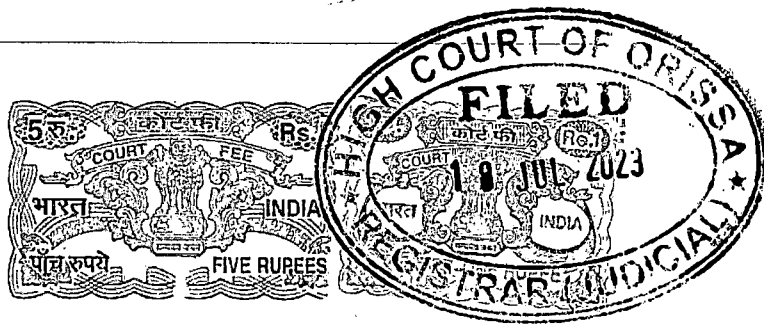
CUTTACK

Dt. 17/7/23



Shamir Prasad Panda
Addl. Govt. Advocate/
Addl. Standing Counsel
SHAKTI PRASAD PANDA
Enr NO-0-7/1993
MOB. 884784581





IN THE HIGH COURT OF ORISSA: CUTTACK.

I.A. NO. 4365 OF 2023.

(Arising out of W.A. No. 1641 of 2023)

In the matter of :

An application under Chapter VI, Rule 27(A)
of Orissa High Court Rules read with Section
5 of Limitation Act for condonation of delay;

AND

In the matter of:

State of Odisha and anr. ... PETITIONERS.

-VERSUS-

Ram Chandra Mangual
& ors. ... OPP. PARTIES.

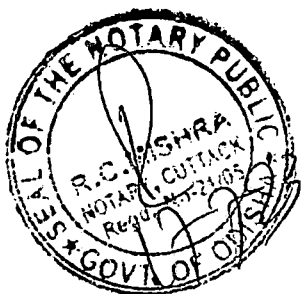
To

The Hon'ble Chief Justice of High Court of
Orissa and His Lordship's Companion Justices
of the said Hon'ble Court.

The humble petition of the
Petitioners named above;

MOST RESPECTFULLY SHEWETH: -

1. That, in the present appeal, the appellants-opposite parties seek to challenge the order dated 11.06.2021 passed by the Hon'ble Single Judge of the Hon'ble Court in W.P.(C) No.17451 of 2021 on the ground that the said order is illegal and erroneous. The

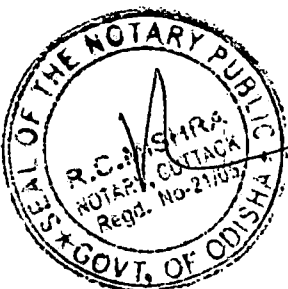


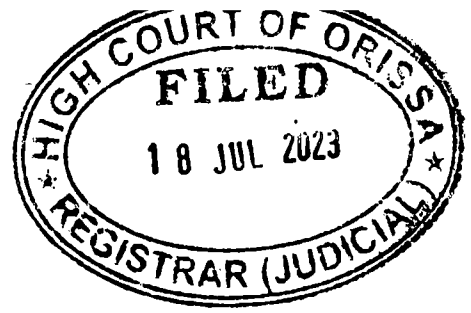
Kaleevan India

order passed by the Hon'ble Apex Court in Umadevi (3) & M.L. Kesari stands in a different footing and is no way similar to the case of the Opposite Party in the present case.

2. That the facts and grounds stated in the writ appeal may kindly be read and treated as part of this Interim application for better appreciation of facts and grounds.
3. That the copy of the order dt.11.06.2021 passed in W.P.(C) No.17451 of 2021 was received on 27.07.2021. After perusal of the order, the opposite parties found that although the writ petition was filed by the present opposite parties No.1 to 3 only on 08.06.2021, which was listed for the first time for fresh admission on 11.06.2021, the date on which the Hon'ble Single Judge without issuing notice to the opposite parties (present petitioners) to file their counter affidavit against the averments of the writ petition, directed to regularize the services of the petitioners (present opposite parties No.1 to 3) within a period of three months, for which the present petitioners have decided to prefer a writ appeal against the said order dt.11.06.2021.
4. That the appellants have filed number of writ appeals before this Hon'ble Court challenging the self-same issue which is impugned in the present appeal. In view of such a delay of 76 days caused which is not intentional. For the inadvertent

Kalaram Tudu





-2-

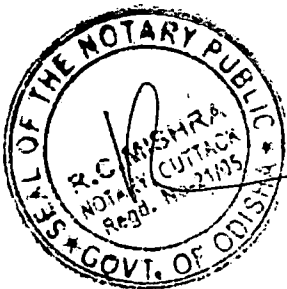
mistake, the appellants could not challenge the order even though the same was passed on 11.06.2021.

5. That it is humbly submitted that after taking a decision to prefer writ appeal the appellants through its' representative have collected relevant documents and sought for necessary approval from various authorities and as such there is delay in filing the present appeal. Therefore, the delay in filing the present appeal on the part of the appellants is neither wilful, nor deliberate/intentional.

6. That the petitioners have sent the concerned file with Draft Writ Appeal to the office of the Advocate General, Odisha, Cuttack vide letter No.10328 dt.20.05.2023 and on being informed by the office of the Advocate General, Odisha, Cuttack have discussed the matter with the Addl. Govt. Advocate and after finalization of the Writ Appeal filed the same.

7. That on the aforesaid premises, there has been no deliberate latches nor any wilful negligence on the part of the appellants in not filing the appeal in time. The delay in filing the appeal was bonafide, unintentional and the same has been caused due to the above reason, which is beyond the control of the appellants. In view of the above, the appellants were prevented by sufficient cause from filing the

Kaloram Tudu



appeal in time. Therefore, there has been delay in filing the appeal.

8. That the appellants have got a strong prima facie case and there is every likelihood of success in the appeal and the balance of convenience lies in favour of the appellants.

9. That unless the delay in filing the appeal is condoned, the appellants shall be highly prejudiced and shall suffer irreparable loss.

10. That it is expedient in the interest of justice to condone the delay in filing the appeal.

P R A Y E R


It is, therefore, prayed that your Lordships may graciously be pleased to allow this application and further be pleased to condone the delay for the purpose of filing the appeal.

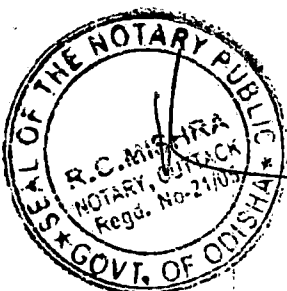
And for this act of kindness, the petitioners/appellant as in duty bound shall ever pray.

By the Appellants through

Cuttack.

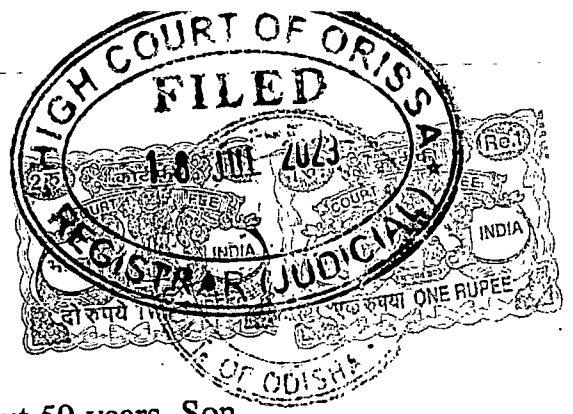
Date: 17.07.2023


Addl. Govt. Advocate



Kalwan Tudu

-4-



AFFIDAVIT

I, Sri Kaluram Tudu, aged about 59 years, Son of Late Kandra Tudu, at present working as Deputy Secretary to Govt., Housing & Urban Development Department, Bhubaneswar, Dist.: Khurda, do hereby solemnly affirm and state as follows;

1. That being the Deputy Secretary to Govt. I am authorized to swear this affidavit on behalf of the petitioners/appellants.
2. That the facts stated above are true to the best of my knowledge and belief based on official records.

Identified by

Mohem Behere *Kaluram Tudu*
Advocate Clerk, A.G. Office DEPONENT 17.07.2023
Deputy Secretary to Govt.
H & UD Department
CERTIFICATE

Certified that cartridge papers are not readily available.

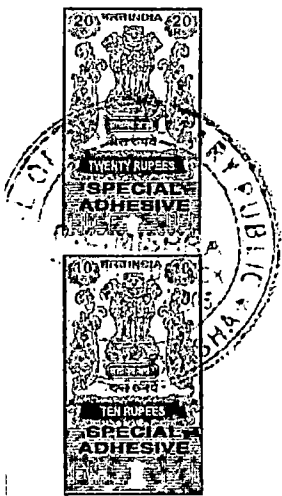
Cuttack.

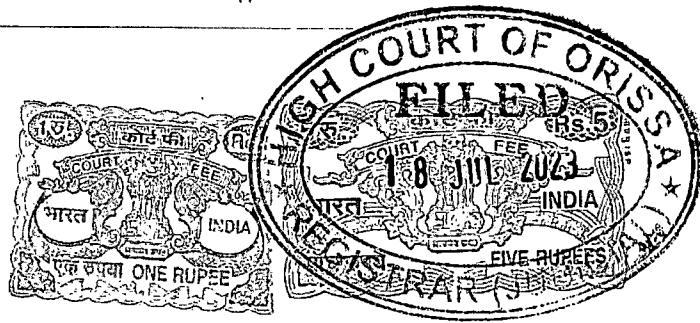
Dt. 17.07.2023 Addl. Government Advocate

Solemnly affirm on oath by the Deponent at Cuttack on 17.7.23 being identified by *M. Behere* Advocate/Adv's Clerk/A.G.'s office/Notary Personally, that the facts stated above are true to the best of his/her knowledge.

SHARTE PRASAD PANDA
EN NO-0-711993
MOB - 8847811581

RAMA CHANDRA MOHANTA, NOTARY
CUTTACK TOWN, REGD. No-21/05





IN THE HIGH COURT OF ORISSA: CUTTACK.

I.A. NO. 4366 OF 2023.

(Arising out of W.A. No. 1641 of 2023)

In the matter of :

An application under Chapter VI, Rule 27(A)
of Orissa High Court Rules for stay;

AND

In the matter of:

State of Odisha and anr. ... PETITIONERS

-VERSUS-

Ram Chandra Mangual

& ors.. ... OPP. PARTIES.

To

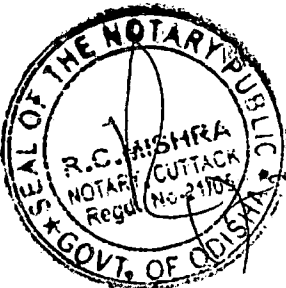
The Hon'ble Chief Justice of High Court of
Orissa and His Lordship's Companion Justices
of the said Hon'ble Court.

The humble petition of the
Petitioners named above;

MOST RESPECTFULLY SHEWETH: -

1. That, in the present appeal, the appellants-opposite parties seek to challenge the order dated 11.06.2021 passed by the Hon'ble Single Judge of the Hon'ble Court in W.P.(C) No.17451 of 2021 on the ground that the said order is illegal and erroneous. The order passed by the Hon'ble Apex Court in Umadevi (3) & M.L. Kesari stands in a different

Kalevram Tudu



footing and is no way similar to the case of the Opposite Party in the present case.

2. That the Hon'ble Single Judge before passing the impugned order dt.11.06.2021 has not issued any notice to the opposite parties for filing their counter affidavit and disposed of the writ petition directing the opposite parties to regularize the services of the petitioner (present opposite party) in accordance with law.
3. That in view of the aforesaid, it is imperative on the part of the petitioners to file this application seeking stay of impugned order dt.11.06.2021 under Annexure-1, pending disposal of the writ appeal, but for such an order, the filing of writ appeal would be rendered infructuous.

Kaluran Toen

PRAYER

It is, therefore, prayed that this Hon'ble Court be pleased to stay the impugned order dt.11.06.2021 under Annexure-1, pending disposal of the writ appeal in the bonafide interest of justice and fair play.

And for which act of your kindness, the petitioners shall as in duty bound, ever pray.

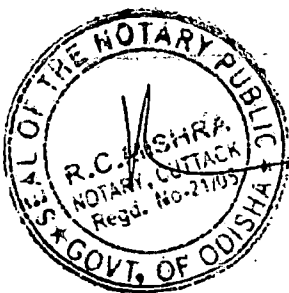
By the petitioners through

[Signature]

Addl. Govt. Advocate

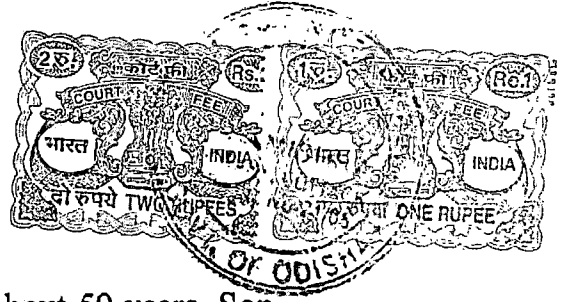
Cuttack.

DE. 17.07.2023



-2-

AFFIDAVIT



I, Sri Kaluram Tudu, aged about 59 years, Son of Late Kandra Tudu, at present working as Deputy Secretary to Govt., Housing & Urban Development Department, Bhubaneswar, Dist.: Khurda, do hereby solemnly affirm and state as follows;

1. That being the Deputy Secretary to Govt. I am authorized to swear this affidavit on behalf of the petitioners/appellants.
2. That the facts stated above are true to the best of my knowledge and belief based on official records.

Identified by

Mahan Behere
Advocate Clerk, A.G. Office

Kaluran Tudu
DEPONENT 17.07.2023

CERTIFICATE Deputy Secretary to Govt.
H & UD Department

Certified that cartridge papers are not readily available.

Cuttack.

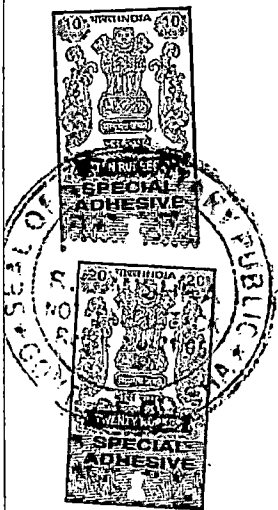
Dt. 17.07.2023

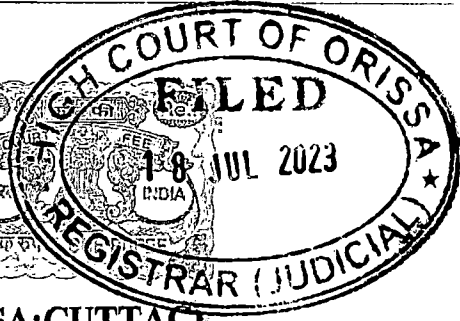
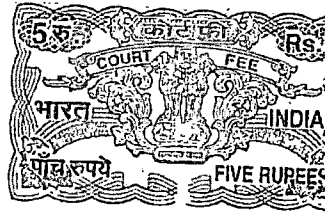
h
Addl. Government Advocate

Solemnly affirm on oath by the Deponent at Cuttack on... being identified by... Advocate/Adv's Clerk/S.O./AG's office/Notary Personally, that the facts stated above are true to the best of his/her knowledge.

SHANTI PRASAD PANDA
EN NO - 0-7/1993
MOD - 8847811581

Rama Chandra...
RAMA CHANDRA... NOTARY
CUTTACK TOWN, REGD. No-21/05





IN THE HIGH COURT OF ORISSA: CUTTACK.

I.A. NO. 4367 OF 2023.

(Arising out of W.A. No. 1641 of 2023)

In the matter of :

An application under Chapter VI, Rule 27(A)
of Orissa High Court Rules for dispensing
with filing of Certified Copy of order
dt.11.06.2021 in Annexure-1;

AND

In the matter of:

State of Odisha and anr. ... PETITIONERS

-VERSUS-

Ram Chandra Mangual
& ors... ... OPP. PARTIES.

To

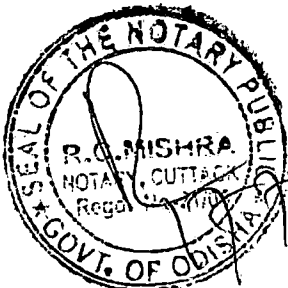
The Hon'ble Chief Justice of High Court of
Orissa and His Lordship's Companion Justices
of the said Hon'ble Court.

The humble petition of the
Petitioners named above;

MOST RESPECTFULLY SHEWETH: -

1. That, in the present appeal, the appellants-opposite parties seek to challenge the order dated 11.06.2021 passed by the Hon'ble Single Judge of the Hon'ble Court in W.P.(C) No.17451 of 2021 on the ground that the said order is illegal and erroneous.

Kalaram Tudu



2. That the petitioners though have applied for the certified copy of the order dt.11.06.2021 passed in WP(C) No.17451/2021, yet the same has not been made available to them, for which a Xerox copy of the same is filed as Annexure-1 with a prayer for setting aside the same and the petitioners undertake to file the certified copy of the order dt.11.06.2021 on the same being made available to them.
3. That in view of the aforesaid, unless filing of certified copy of the order dt.20.07.2021 under Annexure-1 is dispensed with for the time being, the petitioners would be seriously prejudiced.

PRAYER

It is, therefore, prayed that this Hon'ble Court be pleased to dispense with filing of certified copy of the order dt.11.06.2021 under Annexure-1 for the time being in the bonafide interest of justice and fair play.

And for which act of your kindness, the petitioners shall as in duty bound, ever pray.



Cuttack.

Dt/7.07.2023

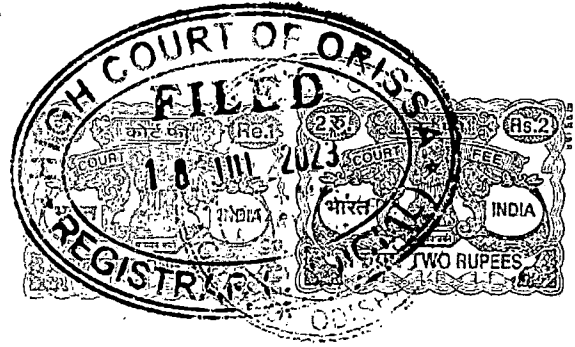
By the petitioners through

[Signature]

Addl. Govt. Advocate

Kaluvam Tudu

AFFIDAVIT



I, Sri Kaluram Tudu, aged about 59 years, Son of Late Kandra Tudu, at present working as Deputy Secretary to Govt., Housing & Urban Development Department, Bhubaneswar, Dist.: Khurda, do hereby solemnly affirm and state as follows;

1. That being the Deputy Secretary to Govt. I am authorized to swear this affidavit on behalf of the petitioners/appellants.
2. That the facts stated above are true to the best of my knowledge and belief based on official records.

Identified by

Mahesh Behen
Advocate Clerk, A.G. Office

Kaluran Tudu

DEPONENT 17.07.2023

Deputy Secretary to Govt.
H & UD Department

CERTIFICATE

Certified that cartridge papers are not readily available.

Cuttack.

Solemnly affirm on in Oath by the Deponent
at Cuttack on 17.07.2023. Addl. Government Advocate
by *M. Behen* being identified
Advocate/Adv's Clerk/S. O., AG's office/Notary
Personally, that the facts stated above are
true to the best of his/her knowledge.

RAMA CHANDRA WISHA, NOTARY
CUTTACK TOWN, REGD. NO-21/05

h
SHAKTI PRASAD PANDA
EN NO-0-7/1993
MOD - 8847811581

SCANNED

**COMPUTERISED FILING COUNTER
ORISSA HIGH COURT,CUTTACK
ACKNOWLEDGEMENT SLIP**

Seat No : 3

Branch No : WRIT APPEAL

Receipt No : 133124/2024

Date Of Receiving : 28/10/2024

Time : 03:37:38 PM

Filing No : D- WA 1641/2023

Case No : WA 1641/2023

Received From : Petitioner

Filed By: ADDL.STANDING COUNSEL

Document(s) Filed :

1- REQUISITE FOR OPS --- (Misc Case No- 4365/2023) --- Postal Fee -Rs.160

ORISSA HIGH COURT
2ND.
28 OCT 2024
CLEARANCE
DEPUTY REGISTRAR (J&E)
2023

IN THE HIGH COURT OF ORISSA, CUTTACK

W. A No. 1641 of 2023

State of Orissa & Ors

...

.....

Appellants

-Versus-

Ram Chandra Mangual & Ors

.....

.....

Respondents

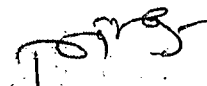
M E M O

Postage stamp of Rupees 160/- (Rupees One Hundred Sixty) only, along with written process and the copy of limitation filed herewith for service of notice on Respondents in limitation matter in the aforesaid appeal through Registered post with AD.

Cuttack

Date- 28.10.2024

MOB NO: 9237183713


ASC
For the Appellant

WA. No. 1641/2023

8805

प्र.म./SPP/HYD-2023 पोस्ट कार्ड POST CARD

75
आज़ादी का
अमृत महोत्सव



Superior Industries
WA. Section
Orissa High Court
Bhubaneswar-2

पिन PIN

--	--	--	--	--	--

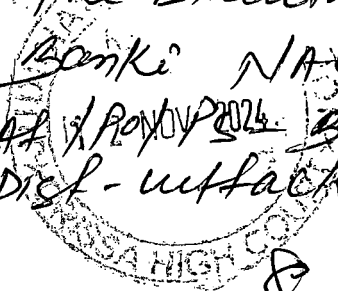
(इस लाइन के नीचे न तो लिखें और न ही मुद्रित करें Do not write or print below this line)

To

4. The Executive officer.

Banki NAC,

At 1/10/2024 Banki
Dist - Uttarak.



[Signature]
8/11/24



WA No. 1641/2023

प्र.सु./SPPI/HYD - 2023 पोस्ट कार्ड POST CARD

75
आज़ादी का
अमृत महोत्सव



Superior for district

WA Section

Office H3 h code

cutback-2

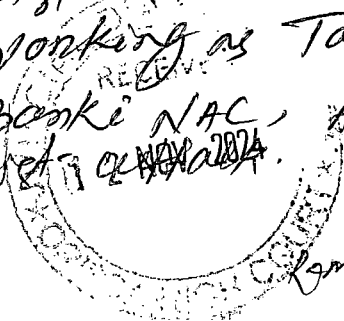
पिन PIN

--	--	--	--	--	--

(इस लाइन के नीचे न तो लिखें और न ही मुद्रित करें Do not write or print below this line)

To

1. Ram Chandra Mangual.
S/o - Late Pabani Mangual.
At - Ranpur, PO/PS - Banki.
Dist - Cuttack, At present
working as Tax-collector,
Banki NAC, At/PO/PS - Banki,
Dist - Cuttack.



Ram Chandra Mangual

28/11/2024

12.05 PM

WA No. 1641/2023

प्र.गु./SPPI/HYD - 2023 पोस्ट कार्ड POST CARD

75
आज़ादी का
अमृत महोत्सव



Superintendent
WA. Section
Orissa High Court
Cuttack - 2

पिन PIN

--	--	--	--	--	--

(इस लाइन के नीचे न तो लिखें और न ही मुद्रित करें Do not write or print below this line)

To

3. Narayan mohapatra,

S/o - Late Durga Ch. mohapatra,

At Charchika, PO/PS - Banki,

DIST - Cuttack,

At present working as,

Tax collector, Banki NAC,

At/PO/PS - Banki,

DIST - Cuttack,

5-11-24 12.18
Narayan mohapatra

WA. No. 1641/2023

प्र.मु./स्प/हय - 2023 पोस्ट कार्ड - POST CARD

75
आज़ादी का
अमृत महोत्सव



Superintendent

WA. Section

ATWSSA High Court
Cuttack-2

पिन PIN

--	--	--	--	--	--

(इस लाइन के नीचे न तो लिखें और न ही मुद्रित करें Do not write or print below this line)

10

2. Manoranjan

S/o - Meghna

At - Chakapada

PO/PS - Banki

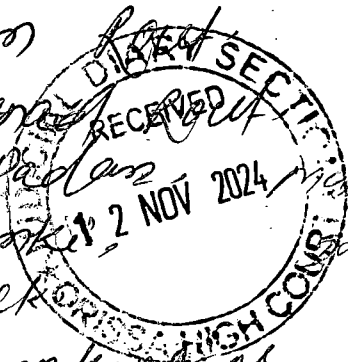
District - Cuttack

At present working as,

Tax-collector, Banki NAC,

At/PO/PS - Banki,

District - Cuttack.



Manoranjan

ROD.

5-11-24

SCANNED

**COMPUTERISED FILING COUNTER
ORISSA HIGH COURT,CUTTACK
ACKNOWLEDGEMENT SLIP**

Seat No : 3

Branch No : WRIT APPEAL

Receipt No : 144220/2024

Date Of Receiving : 22/11/2024

Time : 11:50:59 AM

Filing No : WA/1641/2023

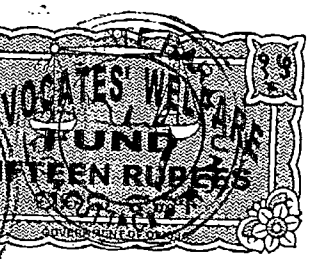
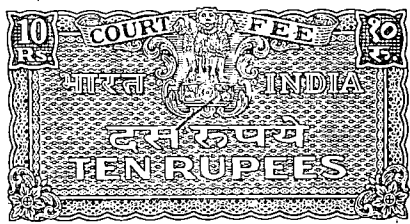
Case No : WA/1641/2023

Received From : Respondent

Filed By: M/S BIDYADHAR MANSINGH

Document(s) Filed :

2- Vakalatnama --- Court Fee -Rs.12 (34421/2024)



34429

FORM OF VAKALATNAMA
IN THE HIGH COURT OF ORISSA, CUTTACK

W.A. No 1641 of 2023

State of Odisha & Anr

plaintiff / Petitioner
appellant

versus

Ram Chandra Mangral & Ors.

Defendant/ Opposite Party
Respondent

Know all men by these presents, that by the Vakalatnama

I/we Ram Ch. Mangral aged about 49 years, State of Odisha, Mangral, At-Rampur, PO/PS-Banki, Dist-Cuttack. ~~Manoj Kumar Rout aged about 50 years, S/O-Meghnad Rout At-Chakrapada PO/PS-Banki, Dist-Cuttack. & Narayan Mohapatra, aged about 48 years, S/O-Late-Durga Ch. Mohapatra, At-Charchika PO/PS-Banki, Dist-Cuttack. At present all are working as Tax-Collector, Banki ATC, PO/PS-Banki, Dist-Cuttack.~~

Appellant / Respondent / Petitioner / Opposite party in the aforesaid Revision / Appeal Case do hereby appoint and retain Sri

BIDYADHAR MANSING
Advocate

ADHIKAR BEHERA
Advocate
E. No-1470/07
Mob: 9337994602

Debasmita Behera
Advocate
E. No-124/10
Mob:-8895447255

SIDHARTHA DAS
Advocate
E. No-19/15
Mob: 9331995515

Advocate (S) to appear for me / us in the above case and to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with same, or any decree or order passed therein including all applications for return of documents or receipt of any moneys that may be payable to me/us in the said case also in applications for review in appeals under Orissa High court Order and in applications for leave to appeal to supreme Court. I/we authorise me/our Advocate (S) to admit any compromise lawfully entered in the said case.

Dated the 22-11-2024

Received from the Executants (S)
satisfied and accepted as hold no
brief for the other side

Advocate

Accepted as above

Advocate

Accepted as above

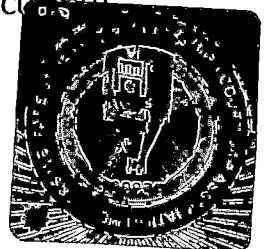
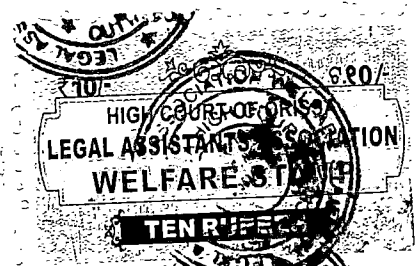
Manoj Kumar Rout
Narayan Mohapatra

SIGNATURE OF EXECUTANTS

D. Behera
Advocate

Accepted as above

SD
Advocate
Accepted as above



3
SCANNED

IN THE HIGH COURT OF ORISSA: CUTTACK

W.A. No. 1641 of 2023

State of Odisha & Ors

... ..

Appellants:

-Versus-

Ram Chandra Mangual

...

.....

Respondents.

RECEIPT

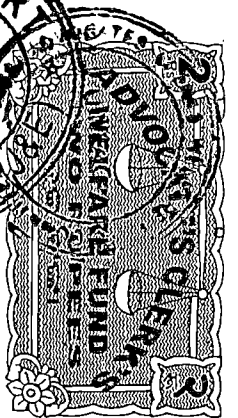
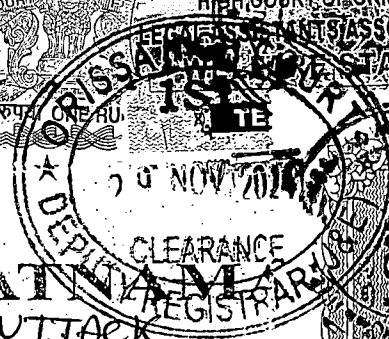
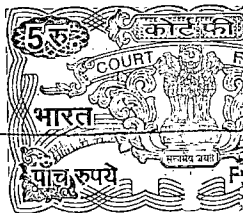
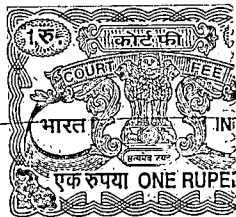
Received the copy of appeal memo, along with its annexure and all I.A.s, from the appellant (state) in the aforesaid appeal for appearing on behalf of **the respondent**.



Cuttack

Date- 26.11.2024

Advocate
For the **Respondent**
(Mr. Bidyadhar Mansingh, Adv)



35266

FORM OF VAKALATNAMA

IN THE COURT OF ORISSA HIGH COURT, CUTTACK

W.A. No. 1641 OF 2023.

State of Odisha and Petitioner S.
Vrs.

Ram chandra mangual & others, Opposite Parties

Know all men by these presents, that by this Vakalatnama I/We

(4)

The Executive Officer, Banki NAE,

AT/PO/PS - Banki, Distt - Cuttack.

(Respondent No-4)

Plaintiff/defendant/appellant/respondent/Petitioner/opposite party in the aforesaid suit/appeal case do hereby appoint and retain.

H.M.DHAL, B No - 0-558/1981,

mob - 9937077427

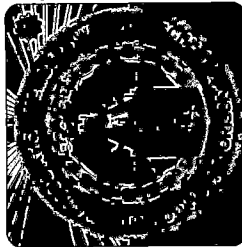
and

G.C.SAHU, B No - 0-801/2013,

mob - 8763087305.

Advocate/Pleader to prosecute or defend the same and all proceeding

that may be taken in respect of any application connected with the same, or any decree or any order passed therein including all applications for return of documents or receipt of any money that may be payable to me/us in the said case and also in application for review and in appeals.



Dated, the 29/11/2024.
Cuttack

Sampad Kumar Srain

Signature of the Executant(s)

Executive Officer

N. A. C. Banki

(Rep-4)

(b) Where the party can not sign his or her name the Vakalatnama must be endorsed as follow :

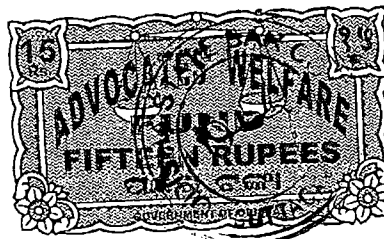
I.A.B: do hereby appoint

Advocate to act for me

in the above named cause, in taken whereof I have affixed my left Thumb Impression in the presence of

and do hereby a
presence by who is

Advocate
Accepted as above
Advocate



Left thumb impression)
having been affixed in my

Advocate

Accepted as above Adv.

Sampad Kumar Srain

SCANNED

**COMPUTERISED FILING COUNTER
ORISSA HIGH COURT,CUTTACK
ACKNOWLEDGEMENT SLIP**

Seat No : 3

Branch No : WRIT APPEAL

Receipt No : 146572/2024

Date Of Receiving : 29/11/2024

Time : 01:35:12 PM

Filing No : **WA/1641/2023**

Case No : **WA/1641/2023**

Received From : Respondent (4)

Filed By: M/S H.M.DHAL

Document(s) Filed :

4- Vakalatnama --- Court Fee -Rs.12 (35266/2024)