

SUPREME COURT OF INDIA

Vice-Chancellor, Utkal University

Vs.

Babaji Charan Rout

(V. Khare and S.N. Phukan JJ.)

08.08.2000

ORDER

1. Leave granted.

2. Respondent No. 1, herein, claimed to have been recruited as a daily wager through a Selection Committee and in the select list, his position was shown at SI. No. 25. In the year 1996, a seniority list was prepared in pursuance of the directions of the High Court wherein respondent No. 1 was shown at SI.No. 32. Respondent No. 1, thereafter, filed writ petition - O.J.C. No. 1196 of 1996 before the Orissa High Court. The Division Bench of the High Court directed the appellants herein to consider the question of absorption of the respondent as well as other daily wagers, as per the gradation list in a phased manner. Since no action was taken by the appellants, respondent No. 1 was compelled to file another writ petition O.J.C. No. 12763/96 seeking relief for regularization in service. In paragraph 4 of the counter affidavit filed by the University in the High Court, it was stated that Selection Committee on 14.6.1985 prepared a panel whereby, 29 names in order of preference were recommended for appointment and the name of respondent No. 1 was shown at SI.No. 25. It was also stated in the counter affidavit that the gradation list that was prepared in the year 1996, the name of respondent No. 1 was shown at SI. No. 32. Before the High Court, learned Counsel representing the appellants stated that it was due to some mistake. Under such circumstances, the High Court by an order dated 20.1.1998, directed the appellants herein to regularize the service of the writ petitioner who is respondent No. 1 in this appeal. Against the said judgment, the appellants are in appeal before us.

3. It is admitted that consequent upon the judgment under appeal, the appellants have regularized the services of respondent No. 1 w.e.f. 9.3.2000. In view of the fact that the services of respondent No. 1 has already been regularized inasmuch as under law, his services were also required to be regularized, we are not inclined to interfere with the order of the High Court to the extent it directed to regularize the services of respondent No. 1

4. The only question which is disputed is whether the name of respondent No. 1 ought to be at SI. No. 25 or at SI.No. 32. So far as this question is concerned, respondent No. 1 may make a representation before the authority concerned which we hope, the same would be decided by the authority.

5. With these directions, the appeal stands disposed of. There shall be no order as to costs.