AFR

ORISSA HIGH COURT : CUTTACK

W.P.(C) No.13548 of 2015
CNR No.ODHC01-014116-2015

In the matter of an Application under Articles 226 and 227 of the Constitution of India, 1950

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1. State of Odisha
Represented through its
Principal Secretary to Government
Department of Water Resources
Government of Odisha
Bhubaneswar
District: Khordha.

2. Superintending Engineer
Hirakud Dam Circle
At/P.O./P.S.: Burla
District: Sambalpur. ... Petitioners

-VERSUS-

1. Smt. Kumudini Satapathy (Dead)

1(a) Rashmi Ranjan Satpathy
Son of Late Kumudini Satpathy
Aged about 61 years
At: Sourav Vihar, Near Fandi Chhak
P.O.: E.C. Burla, District: Sambalpur.

1(b) Manoranjan Satpathy
Son of Late Kumudini Satpathy
Aged about 54 years

At: Quarter No.E-13/2
Park Lane, Near Old SBI
Burla, P.O.: Burla
District: Sambalpur.

1(c) Jyotimayee Mishra
Aged about 64 years
Daughter of Late Kumudini Satpathy

1(d) Jyoshnamayee Dash
Aged about 62 years
Daughter of Late Kumudini Satpathy,

Serial No.1(c) and 1(d) are:
C/o Rashmiranjan Satpathy
At: Sourav Vihar, Near Fandi Chhak
P.O.: E.C., Burla, District: Sambalpur.

2. Presiding Officer
Labour Court, Sambalpur
District: Sambalpur. ... Opposite parties

Counsel appeared for the parties:

For the Petitioners	:	Mr. Satyabrata Mohanty, Additional Government Advocate Along with Ms. Sarita Moharana, Additional Standing Counsel
For the Opposite party No.1	:	M/s. Basudev Pujari and Nitai Sundar Das, Advocates

P R E S E N T:

HONOURABLE
DR. JUSTICE SANJEEB K PANIGRAHI

AND

HONOURABLE
MR. JUSTICE MURAHARI SRI RAMAN

Date of Hearing : 11.11.2026 :: Date of Judgment : 18.11.2026

JUDGMENT

MURAHARI SRI RAMAN.—

Assailing the legality and sanctity of Order No.12, dated 21.12.2013 passed by the learned Presiding Officer, Labour Court, Sambalpur in consideration of application dated 01.09.2012 [registered as Industrial Dispute Misc. Case No.1/88(SC)-782] of Kumudini Satpathy[1], wife of Sachidananda Satpathy, the Department of Water Resources and Superintending Engineer of Hirakud Dam Circle, Sambalpur, filed the present writ petition beseeching grant of following relief(s):

"In the circumstances stated above, it is humbly prayed that this Hon'ble Court may graciously be pleased to admit the writ petition, call for the LCR and issue Rule NISI calling upon the opposite parties to show cause as to why the Order passed by the Presiding Officer, Labour Court, Sambalpur in I.D. Misc. Case No.1/88 (SC)-782 vide Annexure-7 shall not be set aside;

And, if the opposite parties fail to show cause or shows false/insufficient cause, make the said Rule NISI absolute;

And, pass such other Order/Orders as this Hon'ble Court may deem fit just and proper in the facts and circumstances of the present case;

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[1] Legal heirs of Kumudini Satpathy were brought on record by way of substitution *vide* Order dated 25.02.2025, as she had expired on 21.12.2019, during the pendency of this writ petition.

And, for this act of kindness, the petitioner shall remain duty bound ever pray."

Facts:

2. The facts of the case as adumbrated in the writ petition shows that:

2.1. The Hirakud Dam Project was initially entrusted to the Central Waterways, Irrigation and Navigation Commission and the workmen engaged therein were drawing the scale of pay *etc.* as permissible to employees in the work-charged establishment of the Central Public Works Department.

2.2. The State Government took over the Project with effect from 01.04.1960 and it was understood that the work-charged staff recruited prior to 01.04.1960 would be allowed to continue in the scale of pay and conditions of service as were applicable to them as at 31.03.1960 and that retrenchment should take place only when their services were not required by the said Project, as per Order No.HKD-5-A-23-51-2438 dated 08.09.1961 of the Government of Odisha. On the other hand, so far as the persons, who took up employment subsequent to 01.04.1960, they were paid pay scales applicable to employees under work-charged establishment of the Odisha Government and not the scale of pay of the Central Government.

2.3. In order to remove the anomaly/disparity amongst those employees, *i.e.,* those engaged in the establishment prior to 01.04.1960 and employed in the project subsequent thereto, the Government of Odisha conceived the idea of terminating the services of those employees, who were working in the work-charged establishment prior to 01.04.1960 and offering them service in the new scales of pay applicable to the employees of Government of Odisha. Therefore, the affected workmen raised industrial dispute, being I.D. Case No.3 of 1964, wherein it was held that the Odisha Government had the right to terminate the services of the workmen which would not tantamount to retrenchment.

2.4. The said decision was challenged by the workmen and ultimately the workmen carried the matter to the Hon'ble Supreme Court of India in Civil Appeal No.348 of 1974 *(The Workmen of Hirakud Project Vrs. The Management of Hirakud Dam Project, Hirakud)* and Civil Appeal No.349 of 1974 *(The Workmen Vrs. The Management of Superintending Engineer, Public Health, Sambalpur and Chief Medical Officer, Hirakud Dam Project, Hirakud), Odisha*, which came to be disposed of by a common Order dated 13.08.1985, whereby it was held that the workmen working in the work-charged establishment of Hirakud Dam Project prior to 01.04.1960 were entitled to the same scales of pay and other conditions of service as before, as if they were employees of the work-charged

establishment of the Central Public Works Department. The Order dated 13.08.1985 passed in the said Civil Appeal No.348 of 1974 and Civil Appeal No.349 of 1974 reads thus:

"*The Hirakud Workmen Association claiming to represent about 1200 workmen working in the work-charged establishment of the Hirakud Dam Project since before 01.04.1960 is the appellant in Civil Appeal No.348 of 1974. The Project was initially entrusted to the Central Water ways, Irrigation and Navigation Commission and the workmen were drawing the scales of pay etc. permissible to employees in the work-charged establishment of the Central Public Works Department. With effect from 01.04.1960, the State Government took over the project and it was understood that the work-charged staff recruited prior to 01.04.1960 should be allowed to continuing the same scales of pay and conditions of services as were applicable to them on 31.03.1960 and that retrenchment should take place only when their services were not required by the said Project. This is evident from the order of the Government of Orissa No.H.K.D-5A-23-51/2438 dated 8th September, 1961. In regard to persons who took up employment subsequent to 01.04.1960, they were paid pay scales applicable to employees of work-charged establishment of the Orissa Government and not the scales of pay of the Central Government.* ***In order to remove this disparity within those who were employees in the establishment prior to 01.04.1960 and those who came to be employed in the project subsequent to 01.04.1960, the Government of Orissa conceived the idea of terminating the services of those employees who were working in the work-charged establishments prior to 01.04.1960 and offering them service in the***

new scales of pay applicable to the employees of the Government of Orissa. *The workmen naturally raised an industrial dispute and after they had made journeys upto the High Court and Supreme Court and back to the Industrial Tribunal, it has now been held by the Tribunal that the Orissa Government had the right to terminate the services of the workmen.* ***The notice of termination given to the workmen has been placed before us and on a perusal of the name, we cannot possibly held that it is not a case of retrenchment as canvassed by a series of cases of this Court ending with 1984 (1), Labour Law Journal, P.110.*** *We are unable to agree with the conceived of the Tribunal that the termination of the services of these employees was not retrenchment. It is not disputed that if it is retrenchment, the termination was not proper in which even the workmen would be entitled to the previous scales of pay.* ***We therefore allow this appeal and declare that the workmen working in the work-charged establishment of the Hirakud Project from before 01.04.1960 are entitled to the same scales of pay and other conditions of service as before as if they were employees of the work-charged establishment of the Central Public Works Department****.*

There will be a similar order in Civil Appeal No.349 of 1974.

In Civil Appeal No.349/74 a further question was raised whether on the completion of three years of service the employees do not become eligible for confirmation. We do not express any opinion on this question as the material before us is not sufficient coming to a conclusion either way. We however, notice that it was stated before the Tribunal that the matter was under active consideration of

the Government. We do hope that the State Government has favourably considered the matter.

The appeals are accordingly allowed with costs."

2.5. The Government of Odisha in the erstwhile Irrigation and Power Department (Civil Establishment Branch) *vide* Order dated 09.02.1963 intimated the Chief Engineer, Hirakud Dam Project that the work-charged employees should be retrenched in batches in order to facilitate payment of compensation *etc.* and retrenchment should be completed by 31.03.1963. The retrenched personnel should, however, be brought under the State Government scale of pay in comparable posts and their present emoluments be protected as far as practicable, provided that it does not exceed the corresponding pay scale fixed by the State Government. The relevant portion of the said Letter/Order No.2765-IF-2/63-HKD, dated 09.02.1963 is extracted hereunder:

"*I am directed to refer to item No.94(11) of the minutes of the XXXV meeting of the Hirakud Control Board hold on 19.12.1962 on the subject mentioned above, and to convey the approval of the Government for termination of services of those work-charged staff who are on receipt of Central Government scales of pay and Dearness allowance with immediate effect except some key personnel working in the Power House at present. The work-charged staff should be retrenched in batches in order to facilitate quick payment of compensation etc. and the retrenchment should be completed by 31st March, 1963. The retrenched personnel should, however, be brought under the State Government scales of pay in comparable posts and their present emoluments be*

protected as far as practicable provided that it does not exceed the maximum of the State Government scale in which they are fitted.

I am also to state that a list showing the names of the key personnel of the Power house who cannot be replaced, should be prepared for continuing in the Project on contract basis under the existing terms and conditions for a period of 3 years during which other personnel should be trained to replace them."

2.6. The Hon'ble Supreme Court of India in the Civil Miscellaneous Petitions *vide* Nos.18620-21 of 1987, arising out of Civil Appeal Nos.348 of 1974 and 349 of 1974 *vide* Order dated 09.02.1988 directed as follows:

"*It is directed that the Presiding Officer, Labour Court, Sambalpur (Orissa) shall,* ***after examining the matter, pass appropriate orders for implementation of this Court's Order dated 13.08.1985****. It is further directed that whenever the employees found entitled to some amount of arrears, they shall also be paid in addition to arrears, 10% per annum interest on the arrears from the date and the orders of this Court which remain due for more than a year. The Labour Court shall hear both the parties and pass appropriate orders implementing the judgment of this Court. The Labour Court shall submit its report to this Court after passing the appropriate orders as expeditiously as possible preferably within four months.*

The employees found entitled to some arrears shall be paid admitted amounts as expeditiously as possible*."*

2.7. Pursuant to the aforesaid Order dated 09.02.1988 passed by the Hon'ble Supreme Court of India, the

learned Labour Court, Sambalpur in Industrial Dispute Misc. Case No.1 of 1988 (SC) titled "*The Workmen of Hirakud Dam Project Vrs. The Management of Hirakud Dam Project and Others",* passed the following Order (No.8) dated 25.05.1989:

"*1. This is one of the few misc. cases filed by the various work-charged employees of the Hirakud Dam Project for adjudication of their claim in the light of the Order dated 13.08.1985 passed by the Hon'ble Supreme Court in Civil Appeal No.348 & 349 of 1974. Since the management represented by a Common Counsel have filed their W.S. raising several objections, for expeditious disposal of the matter, the following norms are provided for the guidance of the parties.*

2. As it transpires from record the construction of the Hirakud Dam Project was originally taken up by Central Works Irrigation and Commission and Workers recruited for the purpose were allowed to draw the Central Scale of pay other benefits as admissible under the Central Public Works Department Code. ***Subsequently the State Government in consultation with the Government of India took over the project with effect from 01.04.1960 on the condition that there would be no change in the pay and allowance of the work-charged employees recruited by the Central Government prior to such taken over.*** *Subsequently the State Government of Orissa made some additional recruitments to the work-charged establishment of the Project and they were treated as State Government employees. In view of this there here*

appeared some disparity in the scale of pay of worker engaged in the similar jobs of the establishment. ***To get rid of such anomaly the Executive Engineer in pursuance of a decision taken by the State Government issued notices of termination of services of the work-charged staffs borne in the central scale of pay in the year 1963 and to being parity in the pay scale reemployed some of them in the State scale.*** *As a result an industrial dispute bearing No.3/1964 was raised on behalf of the affected workmen before the Industrial Tribunal, Bhubaneswar and ultimately it was carried to the Hon'ble Supreme Court in Civil Appeal Nos.348 and 349 of 1974, as admitted by both parties.* ***The Hon'ble Court in their common Order dated 13.08.1985 held that the termination of the workers (****sic.* ***not) amounted to retrenchment and accordingly declared that the workmen working in the work-charged establishment of the Hirakud Dam Project from before 01.04.1960 are entitled to the same scale of pay and other condition of service as before as if they were employees of the workcharged establishment of the Central Public Works Department. The Hon'ble Court in their subsequent Order dated 12.08.1987 directed the Assistant Labour Commissioner, Sambalpur to ensure implementation of their above order. After receipt of a reply from the concerned Assistant Labour Commissioner the Hon'ble Court in their Order dated 09.02.1998 again directed this Court to ensure implementation of their Order dated 13.08.1985 and that is how the matter is pending before this Court.***

3. *Since admittedly the Order dated 13.08.1985 of the Hon'ble Court is the outcome of the dispute raised in Industrial Disputes Case No.3 of 1964 it therefore follows that a direction has only been given to this Court to examine the claim application of those of the workers who are in service on and before 01.04.1960 and were issued with termination notice in the year 1963.* ***But as I found the management instead of implementing the above order of the Hon'ble Court has filed lengthy counters objecting the claim of the workmen on various grounds. In the W.S. the management has not only challenged the propriety of the proceeding but has also sought for examination of the matter which have eighter been pleaded of ought to have been pleaded before the said court. Since the scope of the present enquiry is quite limited in nature and when this Court has only been directed to ensure implementation of the order of the Hon'ble Court, it is felt that examination of the objection raised by the management is beyond the scope of this enquiry and therefore needs no examination except those of the objections which are directly connected with the claim of the workmen.*** *Therefore in the light of the Order dated 13.08.1985 passed by the Hon'ble Court it is hereby ordered that the claim applications of the workers fulfilling the following conditions are alone entertainable with the scope of this enquiry.*

   1. *He must be in the service as on 31.03.1960 as well as on 01.04.1960.*

   2. *He must have been issued with a termination notice of a kind the substance of which have*

been extracted in the Award of I.D. Case No.3/1964 or of any other alike notice issued with specific reference to the decision of the Government of Orissa in their Irrigation & Power Department letter No.2765-IF-2/63-HKD.

3. *In pursuance of such notice he must have been adjusted against a post in the State Government without there being any break in his service.*

4. *In the W.S. the management has contended that the muster roll and many other relevant documents relating to the employees are not traceable ever since the closure of the Dam and therefore it has become difficult on their part to calculate the claims of the workers. In the order dated 30.11.1988 this court has been pleased to direct the workmen group to file their retrenchment notice in original. The management is therefore directed while calculating the claim of the workers in the light of the norms fixed above they can make good use of the notice produced by the workmen group. In case where such notices have not been produced by the concerned workers for the reasons beyond his control, the management can make use of his service book while calculating his claim. In other cases where such notice of service book is not available the parties are directed to separate those cases to be disposed of according to their merit. So also in cases where a particular employee has been transferred after notice of 1963 to similar other establishment under the control of the Works Department, his claim is also to be calculated by the concerned management*

for such of the period during which he has to work under him.

5. ***The notices by which the services of the workers were terminated indicates that after so being terminated the concerned employee was to be adjusted against a comparable State Government post so as to protect his salary. It is placed before this Court by the management that in cases where equivalent post were not available in the State Cadre, the employees were adjusted against a promotional post or a higher post so as to give them protection in so far as their pay is concerned. It is, therefore, ordered that in such cases the management is to calculate the claim of the workers without regard being paid to the post against which he was adjusted. The Hon'ble Court in their Order dated 13.08.1985 have directed that the employees of the work-charged establishment are only entitled to the same scale of pay and other condition of service as before as if they were employees of the work-charged establishment of the Central Public Works Department.***

6. ***In view of this the workers are to get the same scale of pay and service benefits as they were getting immediately prior to the notice. The pay and D.A. which the workers were getting immediately prior to such notice or on the date of such notice is to be taken as the basis for calculating their claim. In case where a workman has been promoted after being absorbed in State scale, his pay is only to be fixed in the promotional post while calculating***

his benefits. *This is to be done without prejudice, to be other available right of the workmen.*

7. *In their claim petitions the workmen have claimed– (1) Bonus, (2) Cost of soap, (3) Duster, (4) Uniform, (5) Cost of shoes, (6) Cycle allowance, (7) L.T.C. allowance, (8) House rent, Water rent, electricity. The workmen group in their claim petitions have not specifically mentioned as to how they are entitled for the same or if they were getting such benefits earlier. In case they were getting such benefits earlier, the management is also to calculate the same in the ratio prescribed by the Government from time to time and if not he is to file his objection as to how the workers are not entitled for the same. These norms as laid down above will also be applicable to those of the claim petition which have been registered separately under Section 33C(2) of the Industrial Disputes Act either on individual application of the workers or otherwise. All the parties to the proceeding are accordingly hereby directed to cooperate with the Court in screening the application in the light of the norms fixed at para No.3. For this purpose the management is directed to point out as to which of the applicant workers were in service from before 01.04.1960. It is after submission of such a report a list of eligible workmen would be prepared and accordingly the management is to calculate the claim within 15 days from that date.*

Later: All office bearers representing the management are present. The representative of the workmen group is also present. The management filed applications for further adjournment of the case on the ground that after appointment of their

previous counsel as judge of the High Court of Orissa, no other substitute has been provided to them by the Government to conduct the case. Heard. Time is no doubt allowed till 09.06.1989. But in the meantime the management should do over to expedite the matter, put up on 09.06.1989 for further order."

2.8. The opposite party No.1 (Kumudini Satpathy, wife of the deceased employee, Sachidananda Satpathy, filing an application dated 01.09.2012 (Annexure-5) before the learned Labour Court, Sambalpur, purportedly taking cue from Order dated 09.02.1988 of the Hon'ble Supreme Court of India (Annexure-3), claimed that her husband, initially joined as "Time Keeper" in the Hirakud Dam Project with effect from 09.03.1950 under the work-charged establishment of the Central Public Works Department, and subsequently promoted to the post of Lower Division Clerk with effect from 22.09.1954 and retired from service on superannuation with effect from 31.08.1980 from the Office of the Superintending Engineer, Hirakud Dam Circle, Burla, was entitled to the benefits enumerated in Order dated 13.08.1985 by the Hon'ble Supreme Court. The deceased opposite party No.1 filed an application dated 01.09.2012 titled *"Late Sachidananda Satpathy, Filed through Smt. Kumudini Satpathy (wife) Vrs. Superintending Engineer, Hirakud Dam Circle, Burla and Others",* registered as I.D. Misc. Case No.1 of 1988 (SC), before the learned Labour Court, Sambalpur purportedly under Section 33C(2) of the

Industrial Disputes Act, 1947, with the following fact/averment(s) and prayer(s) taking cue from Order dated 13.08.1985 of the Hon'ble Supreme Court of India passed in Civil Appeal Nos.348 of 1974 and 349 of 1974:

"1. That the applicants husband late Sachidananda Satpathy was working under Hirakud Dam Project prior to date 01.04.1960. He was appointed as Time Keeper with effect from 09.03.1950 which is coming under Work Charged Establishment of C.P.W.D under Central Government Scale of Pay and condition of service by the Government of India and continued. ***Then my husband service has been promoted to the post of Lower Division Clerk with effect from date 22.09.1954 F.N.*** *He was retired on superannuation from Government service with effect from 01.09.1980 from the Office of the Superintending Engineer, Hirakud Dam Circle, Burla and expired on 20.06.1983.* ***That my husband is one of among from those 1200 workmen of Hirakud Dam Project.***

2. That before Hon'ble Supreme Court Passed the Order dated 13.08.1985, my husband was not in condition to pray the Hon'ble Court for identification for which they could not file the present application earlier due to ignorance and as such the applicant pray for condition of delay.

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PRAYER

Under the above premises the applicant pray the Hon'ble Court to be kind enough to identify my husband Late Sachidananda Satpathy to the eligible

to get the benefit of the order of Hon'ble Supreme Court passed in C.A. No.348-49/74 and for this act of kindness, the applicant is duty bound shall ever pray."

2.9. Refuting the entitlement and the grant of relief in connection with the claim set up by the deceased opposite party No.1, the petitioner-Management filed its objection dated 16.11.2013 before the learned Labour Court in I.D. Misc. Case No.1 of 1988 (SC) which runs as follows:

"1. That the petition filed by the petitioner claiming the benefit of the order passed by the Hono'ble Supreme Court of India in Civil Appeal Nos.348 of 1974 and 349 of 1974 is not maintainable in law.

2. ***That the husband of the applicant Late Sachidanand Satpathy was appointed as Lower Division Clerk in regular establishment by the Order of the Superintending Engineer, Development Circle Burla vide Order No.1010/16470-72 dated 20.09.1954 in the scale of pay of Rs.55-3-85-EB-4-125-5-130/- and he joined in the office of the Executive Engineer Left Bank Building Division on dated 23.09.1954 F.N.*** *Subsequently he was promoted to the post of Upper Division Clerk in Division Office with effect from 01.04.1960 vide Order of the Chief Engineer Letter dated 01.04.1960 in scale of pay Rs.70-2-80-4-100/-. Afterwards he was promoted to the post of Circle Upper Division Clerk in the scale of pay of Rs.90-5-120/- as per the order of the Superintending Engineer Hirakud Dam Circle vide his Letter No.4497 dated 07.09.1961 and joined as*

such on 11.09.1961 F.N. continued as such till his superannuation on 31.08.1980. ***Since the workman Late Sachidanand Satpathy was in regular establishment (not in work-charged establishment) when the State Government took over the Project from 01.04.1960, the applicant is not entitled for the benefit claimed in the case.***

3. *That it is submitted that Hon'ble Supreme Court of India passed Order dated 13th August 1985 in Civil Appeal Nos.348 of 1974 and 349 of 1974 in respect of workmen engaged in work-charged establishment only, not in respect of regular establishment. Hence the applicant cannot get the benefit of the above order of the Hon'ble Supreme Court of India. The deceased employee Sachidanand Satpathy was not amongst the 1200 work-charged employees in whose favour Hon'ble Supreme Court passed the order on dated 13th August 1985.*

In view of the above facts, the application is liable to be dismissed with cost."

2.10. The learned Labour Court, Sambalpur taking into consideration the arguments advanced on behalf of the parties and also the materials produced by the respective parties, passed the following Order dated 21.12.2013:

"*This order arises out of an application filed by one Smt. Kumudini Satpathy, praying to identify her husband late Sachidananda Satpathy to be eligible to get the benefits of the Order of the Hon'ble Supreme Court passed in C.A. No.348 & 349 of 1947.*

2. ***It is the case of the applicant that her husband was working under Hirakud Dam Project as time Keeper with effect from 09.03.1950 which comes under work-charged establishment of CPWD. He was promoted to the post of L.D.C. with effect from 22.09.1954 and retired with effect from 01.09.1980 on superannuation from the office of Superintending Engineer, Hirakud Dam Circle, Burla (the O.P.).*** *According to the applicant, the benefit of the Hon'ble Apex Court's Order dated 13.08.1985 has been allowed by this Court to other applicants and therefore, her petition should be allowed.*

3. ***The Opposite-party filed objection to the application stating inter alia that the late husband of the applicant was appointed as L.C. Clerk in the regular establishment by the order of the opposite party vide Order No.1010/16470-72 Dtd.20.9.1954 and he joined in the service on 23.9.1954.*** *Subsequently, he was promoted to the post of U.D. Clerk with effect from 01.04.1960. Thereafter he was promoted to the post of Circle UD Clerk with effect from 11.09.1961 and continued as such till his superannuation on 31.08.1980.* ***According to the O.P., the husband of the applicant was not working in the work-charged establishment when the State Government took over the Project with effect from 01.04.1960 and therefore, he is not entitled to the benefit of the order of the Hon'ble Apex Court****.*

4. *In support of her case, the applicant filed a copy of Service Register maintained by the Hirakud Dam Project authorities. As per this document, Sri*

Sachidananda Satapathy (husband of the applicant) worked as Time Keeper in the year 1950 and received his usual pay and D.A. ***It also reveals from this document that he was promoted to work as Lower Division Clerk and relieved from the earlier job with effect from 22.09.1956***[2]***. The applicant also relies upon a copy of Memo No.3908/10E-5 Dated 27.03.1950 issued by the Executive Engineer, Mechanical Division, Hirakud which reveals that the husband of the applicant was appointed as Time Keeper on work-charged basis on a salary of Rs.50 plus usual D.A. (in place of one Sri Samual Rao who left service) with effect from 9th March, 1950. These documents are not disputed by the Opposite party.*** *Therefore, it can safely be said that the husband of the applicant was serving under the work-charged establishment of Hirakud Dam Project from the month of March, 1950.*

5. *On being called upon, the opposite party has filed the duplicate service book of Sachidananda Satpathy maintained in 3 volumes. As per the Volume-I,* ***Sri Sachidananda Satapathy born on 31.08.1922, was appointed as Lower Division Clerk in the Office of the Executive Engineer, Left Bank Building Division with effect from 20.09.1954.*** *He received annual increments. On 31.12.1958 he was relieved from the said Office and joined as Lower Division Clerk in the office of the Executive Engineer, Canal Division No.II on 01.01.1959. It further reveals from the Volume-I of the service book that a six months notice was served*

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[2] Apparent error; the copy of Service Register of Hirakud Dam Project enclosed with the application dated 01.09.2012 filed by Kumudini Satpathy in I.D. Misc. Case No.1 of 1988 (SC) reveals the date as "w.e.f. 22-9-54".

upon him intimating that his services are no more required after 31.03.1960 A.N. On 31.03.1960 has was transferred to Main Dam Division and appointed as Upper Division Clerk with effect from 01.04.1960. The volume No.II and III of the service book are the records regarding continuation of his service. It reveals from the Leave Account maintained by the opposite party that the husband of the applicant retired from service with effect from 31.08.1980. ***It is crystal clear from the documents that the husband of the applicant was initially appointed under the work-charged establishment of the Hirakud Dam Project wherein he was getting Central pay scale.*** *His service under the said establishment was terminated on 31.03.1960 and on the next day i.e. 01.04.1960 he was appointed by the State Government. By the time of his retirement, he was getting State Scale of Pay. The Hon'ble Apex Court vide Order dated 13.08.1985 in C.A. No.348 & 349 of 1974 declared that the employees of the work-charged establishment who are allowed to continue service after the Project was taken over by the State Government, are entitled to Central scale of pay and other benefits applicable to the CPWD employees. Therefore, the husband of the applicant is entitled to the benefits as per the order of the Hon'ble Apex Court in the aforesaid Civil Appeals.*

6. *In view of the discussions made above, the application is allowed on contest. The opposite party is directed to make a computation of the entitlement of pecuniary benefits entitled to the husband of the applicant as per the order of the Hon'ble Apex Court dated 13.08.1985 in the C.A. Nos.348 and 349 of 1974 and pay the said amount to the applicant*

within a period of 3 months. The case is accordingly disposed of."

2.11. Dissatisfied thereby, the present writ petition has been filed at the behest of the Department of Water Resources of Government of Odisha and the Superintending Engineer, Hirakud Dam Circle, Sambalpur.

Hearing:

3. Sri Basudev Pujari, learned Advocate appearing for the substituted legal heirs of Kumudini Satpathy (being dead since 21.12.2019) submitted that the facts are undisputed. Though no counter-affidavit has been filed by the opposite parties, a memo dated 10.11.2026 has been filed by the learned counsel which reads as follows:

"Order dated 21.12.2013 passed by Presiding Officer, Labour Court, Sambalpur is under challenge. The Order was passed in I.D. Case No.1 of 1988. Hence the urgency. In spite of scores of memos, the matter has not been listed."

3.1. As the writ petition has been pending since 2015 and, in the meanwhile, the wife of the deceased employee of Hirakud Dam Project has also left for heavenly abode and in her place legal heirs, being substituted by Order dated 25.02.2025 and are represented by Sri Basudev Pujari, learned Advocate, this matter is heard finally.

3.2. Heard Sri Satyabrata Mohanty, learned Additional Government Advocate appearing for the petitioners

assisted by Smt. Sarita Moharana, learned Additional Standing Counsel and Sri Basudev Pujari, learned Advocate appearing for the opposite party No.1, as substituted by legal heirs.

3.3. After hearing is concluded, the matter stood reserved for preparation and pronouncement of judgment/order.

Arguments and rival contentions:

4. Unfurling the factual details, Sri Satyabrata Mohanty, learned Additional Government Advocate, submitted that the terms of taking over by the State Government with respect to 1,200 workmen out of 2,300 working in the work-charged establishment engaged prior to 01.04.1960 being questioned in I.D. Case No.3 of 1964 before the learned Labour Tribunal, Sambalpur, an Award was passed on 27.01.1965 with the findings that the action was taken by the Management in pursuance of Government Letter dated 09.12.1963 and that workmen working in the work-charged establishment engaged before 01.04.1960 would be entitled to their original conditions of service including scales of pay and D.A. and were to be treated as continuing in service. The Award dated 27.01.1965 being challenged in a writ petition, being registered as O.J.C. No.58 of 1965 before this Court, the same was disposed of on 05.04.1968 with the direction to the learned Labour Tribunal to dispose of reference afresh. Upon remand, an Award was passed

on 30.09.1972 dismissing the claim of the workmen. Eliciting facts, it is submitted by the learned Additional Government Advocate that the Award dated 05.04.1968 was carried to the Hon'ble Supreme Court of India and said Hon'ble Court disposed of Civil Appeal bearing Nos.348 of 1974 and 349 of 1974, on 13.08.1985 by declaring that *"the workmen working in the work-charged establishment of the Hirakud Project from (sic. on or) before 01.04.1960 are entitled to the same scale of pay and other conditions of service as before as if they were employees of the work-charged establishment of Central Public Works Department"*.

4.1. It is further submitted that though the husband of Kumudini Satpathy was initially engaged as Time Keeper on 09.03.1950 under the work-charged establishment, he was brought over to the regular establishment by way of promotion in the post of Lower Division Clerk by Order dated 20.09.1954. Sachidananda Satpathy joined in the said post on 23.09.1954. Stemming on statement/ objection dated 16.11.2013 filed by the Superintending Engineer, Hirakud Dam Circle (Annexur-6), it is arduously contended that *"since the workman-late Sachidananda Satpathy was in regular establishment (not in work-charged establishment) when the State Government took over the Project from 01.04.1960, the applicant (Kumudini Satpathy) is not entitled for the benefit claimed in the case"*.

4.2. Contending that the deceased employee had already enjoyed the security, regular pay scales, promotions, and retirement benefits extended to a permanent Government servant since his promotion as a Lower Division Clerk in the regular establishment, Sri Satyabrata Mohanty, learned Additional Government Advocate, assisted by Smt. Sarita Moharana, learned Additional Standing Counsel, further urged with vehemence that the deceased employee (Sachidananda Satpathy) retired on 31.08.1980 and passed away on 20.06.1983 without ever raising a claim during his lifetime. Nevertheless, his wife, Kumudini Satpathy (substituted opposite party No.1), has set up a stale claim to avail benefits applicable strictly to employees in the work-charged establishment as of 31.03.1960/01.04.1960, in terms of the Order dated 13.08.1985 passed by the Hon'ble Supreme Court of India in *The Workmen of Hirakud Project Vrs. The Management of Hirakud Dam Project, Hirakud (C.A. Nos. 348 & 349 of 1974)*. It is emphatically submitted by the counsel for the petitioners that the employee being appointed to the regular establishment as a Lower Division Clerk on 20.09.1954, and enjoyed regular scales of pay applicable to the State Government employees and also the promotions until retirement from service, the decision of the Hon'ble Supreme Court of

India is wholly inconsequential of the facts and in the circumstances.

4.3. Sri Satyabrata Mohanty, learned Additional Government Advocate flagged an issue that the provisions of Section 33C(2) of the Industrial Disputes Act, 1947, is activated as a measure to recover arrears/due from employer and such execution proceeding pre-supposes a definite, quantified, pre-existing undisputed entitlement. Quintessentially it is submitted that, the learned Labour Court transgressed its jurisdiction by adjudicating a fresh substantive entitlement when the foundational employment status was contested and disputed. Drawing attention in this regard to a document titled "List of Documents filed by the opposite parties" dated 16.11.2013 filed on 18.11.2013 before the learned Labour Court indicating production of authentic duplicate service book (Volumes I to III) *qua* Sachidananda Satpathy maintained in the regular course of business along with objection dated 16.11.2013 (Annexure-6), it is vehemently contended that the finding returned, being *de hors* the record and beyond the weight of evidence on record, the impugned Order dated 21.12.2013 suffers from a manifest error by ignoring material facts, and is, therefore, perverse and liable to be set aside.

5. Sri Basudev Pujari, learned Advocate appearing for substituted legal heirs of the opposite party No.1, wife of

the deceased employee, would submit that the declaration of entitlement of the employee, who joined as Time Keeper under work-charged establishment prior to 01.04.1960, *i.e.,* the date of taking over by the State Government, on the basis of fact-finding by the learned Labour Court being rendered in consonance with the Order dated 13.08.1985 passed by the Hon'ble Supreme Court of India in the case of *The Workmen of Hirakud Project Vrs. The Management of Hirakud Dam Project, Hirakud, C.A. Nos.348 & 349 of 1974*, cannot be faulted.

5.1. The petitioners are required to compute the entitlement of pecuniary benefits as directed in the Order dated 21.12.2013 in consideration of application dated 01.09.2012 filed by Kumudini Satpathy and such computation of entitlement is to be made in terms of the observations contained therein that *"the employees of the work-charged establishment, who are allowed to continue service after the Project was taken over by the State Government, are entitled to Central Scale of Pay and other benefits applicable to the Central Public Works Department employees"*.

5.2. It is submitted that the fruits of the relief granted in the Order dated 21.12.2013 could not be enjoyed by Kumudini Satpathy, who expired on 21.12.2019 during

pendency of this case, as this Court passed interim Order dated 21.03.2017.[3]

5.3. It is, therefore, insisted upon by the learned Advocate that the entitlement as granted by the learned Labour Court be directed to be computed and disbursed in favour of the legal heirs of Kumudini Satpathy.

Analysis and discussions:

6. The paper enclosed with the writ petition and minute scrutiny of pleadings would go to show that I.D. Misc. Case No.1 of 1988 (SC), before the learned Labour Court, Sambalpur purportedly under Section 33C(2) of the Industrial Disputes Act, 1947, was filed by Kumudini Satpathy after coming to know about the Order dated 13.08.1985 of the Hon'ble Supreme Court of India passed in Civil Appeal Nos.348 of 1974 and 349 of 1974, which were being pursued by the Workmen of Hirakud Dam Project against the Management of Hirakud Dam Project, Hirakud. Reading of the said application it comes to fore that a plea of ignorance has been taken to the effect that the husband (Sachidananda Satpathy) of Kumudini Satpathy was unaware of said decision of the Hon'ble Supreme Court of India and, therefore, they could not fi le the application. The plea of such

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[3] This Court on 21.03.2017 passed the following order in Misc. Case No.13140 of 2013:
"In the interim, the operation of the impugned Order dated 21.12.2013, passed by the Presiding Officer, Labour Court, Sambalpur, in I.D. Misc. Case No.1/88 (SC)-782 under Annexure-7, shall remain stayed till the next date."

ignorance could not be taken so lightly inasmuch as the service book of Sachidananda Satpathy clearly depicts the fact that he was promoted to the post of Lower Division Clerk in the regular establishment much prior to 01.04.1960 and accepting such promotion he joined the said post and thereafter he was also promoted to the post of Upper Division Clerk. It is indicative of the fact that knowing fully well that Sachidananda Satpathy was in the regular establishment as on 01.04.1960, and the decision of the Hon'ble Supreme Court of India cited above is applicable to such employees who were continuing in the work-charged establishment prior to 01.04.1960.

6.1. Whereas the decision of the Hon'ble Supreme Court of India in Civil Appeal Nos.348 of 1974 and 349 of 1974 was rendered on 13.08.1985 and Sri Sachidananda Satpathy died on 20.06.1983, the application, registered as I.D. Misc. Case No.1/88 (SC), filed before the learned Labour Court, Sambalpur bears the date "01.09.2012" (See, Annexure-5).

6.2. The sequence of events demonstrate that the plea of ignorance of decision rendered by the Supreme Court of India as taken by Kumudini Satpathy in the application is a falsity. In other words, the relief granted to the other workmen, who were continuing under the work-charged establishment prior to 01.04.1960 by the Hon'ble Supreme Court of India, notwithstanding Sachidananda

Satpathy joined in the promotional post of Lower Division Clerk in regular establishment, his wife, much after his death claims parity of pay scale.

6.3. Legal position so far as fence sitters approaching the Court with inordinate delay was discussed lucidly by a co-ordinate Bench of this Court in the case of *Dr. Karunakar Sahoo Vrs. State of Odisha, W.P.(C) No.20648 of 2016, & batch, vide Judgment dated 27.06.2017,* which is reproduced hereunder:

"There is no denial about the fact that the fence sitter cannot be allowed to get the benefit of judgment by invoking the jurisdiction of court of law after lapse of long delay. But simultaneously it is also settled that when a particular set of employee is given relief by the court, all other identical set of persons need to be treated alike by extending the benefit, not doing so would amount to discrimination and would be violative of Article 14 of the Constitution of India.

This principle needs to be applied in service matter more emphatically as the service jurisprudence from time to time postulates that all similarly situated persons should be treated similarly. Therefore, the normal rule would be that merely because other similarly situated persons did not approach the court earlier they are not to be treated differently. However, this principle is subject to well recognized exceptions in the form of laches and delays as well as acquiescence. Those persons who did not challenge the wrongful action in their cases and acquiesced into the same and woke up after long delay only because of the reason that their counterparts who had approached the Court earlier in time succeeded in

their efforts, then such employees cannot claim that the benefit of the judgment rendered in the case of similarly situated persons be extended to them. They would be treated as fence-sitters and laches and delays, and / or the acquiescence would be a valid ground to dismiss their claim. However, this exception may not apply in those cases where the judgment pronounced by the Court was judgment in rem with intention to give benefit to all similarly situated persons, whether they approached the court or not. With such a pronouncement the obligation is cast upon the authorities itself to extend the benefit thereof to all similarly situated persons. Such a situation can occur when the subject matter of the decision touches upon the policy matters, like scheme of regularization and the like. On the other hand, if the judgment of the court was in personam holding that benefit of the said judgment shall accrue to the parties before the court and such an intention is stated expressly in the judgment or it can be impliedly found out from the tenor and language of the judgment, those who want to get the benefit of the said judgment extended to them shall have to satisfy that their petition does not suffer from either laches and delays or acquiescence, reliance in this regard may be made to the judgment rendered by Hon'ble Apex Court in the case of State of Uttar Pradesh & Others Vrs. Arvind Kumar Srivastava & Others, reported in (2015) 1 SCC 347 = (2014) 12 SCR 193."

6.4. Be that as it may. The case at hand is a case where the employee, Sachidananda Satpathy, before the State Government had taken over the Project in the year 1960 having joined in the promotional post of Lower Division Clerk in the regular establishment, his wife after his death is not entitled to claim the same relief as is

granted pursuant to decision of the Hon'ble Supreme Court of India rendered in the case of employees of the Project under work-charged establishment.

7. With aforesaid background facts and arguments advanced by the learned counsel for the respective parties, it is noteworthy to take note of the following undisputed factors germane to adjudicate the contentious issue raised by the petitioners-State Government:

a. Sachidananda Satpathy joined as Time Keeper under the work-charged establishment on 09.03.1950, but on promotion, he joined in the post of Lower Division Clerk on 20.09.1954 in the regular establishment and subsequently, on 11.09.1961 he got promoted to the post of Upper Division Clerk in the regular establishment.

b. With effect from 01.04.1960 the State Government took over the Hirakud Dam Project from Central Waterways, Irrigation and Navigation Commission.

c. By Order dated 09.02.1988, the Hon'ble Supreme Court of India in Misc. Case Nos.18620-18621 of 1987 directed for implementation of Order dated 13.08.1985 passed in Civil Appeal Nos.348-349 of 1974.

d. A claim has been set up by the wife (Kumudini Satpathy) of the employee (Sachidananda Satpathy) by way of filing application dated 01.09.2012 before the learned Labour Court, Sambalpur admitting the factum of her husband being promoted to the post of Lower Division Clerk with effect from 22.09.1954 and got retired with effect from 01.09.1980 from the Office of Superintending Engineer, Hirakud Dam Circle, Burla and expired on 20.06.1983. By way of said application she sought for extension of benefits as directed in the Order dated 13.08.1985 passed in Civil Appeal Nos.348-349 of 1974 of the Hon'ble Supreme Court of India.

7.1. Sri Basudev Pujari, learned Advocate in the written note of submission made it clear that in view of Order dated 09.02.1988 of the Hon'ble Supreme Court of India passed in the Civil Miscellaneous Petitions *vide* Nos.18620-21 of 1987, arising out of Civil Appeal Nos.348 of 1974 and 349 of 1974 disposed of on 13.08.1985, the learned Labour Court has set out in the Order No.8, dated 25.05.1989 certain conditions to be fulfilled as follows in order to examine the matter and find entitlement to arrears:

a. The employee must be in the service as on 31.03.1960 as well as on 01.04.1960.

b. He must have been issued with a termination notice of a kind the substance of which have been extracted in the Award of I.D. Case No.3/1964 or of any other alike notice issued with specific reference to the decision of the Government of Odisha in Irrigation & Power Department letter No.2765-IF-2/63-HKD, dated 09.02.1963.

c. In pursuance of such notice he must have been adjusted against a post in the State Government without there being any break in his service.

7.2. From the factual position obtained on record, it could be discerned that the opposite party No.1 did not place any document to show that the employee-Sachidananda Satpathy was retrenched by a notice with specific reference to the decision of the Government of Orissa in their Irrigation & Power Department letter No.2765-IF-2/63-HKD, dated 09.02.1963. Nonetheless, it is admitted position that Sachidananda Satpathy though joined in the work-charged establishment initially to work as "Time Keeper", as is apparent from Office Order *vide* Memo No.3908/IOE-5, dated 27.03.1950 (Annexure-5), subsequently he got promoted to the post of Lower Division Clerk on 22.09.1954, *i.e.,* much prior to 01.04.1960 in the regular establishment. This fact is supported by the copy of the service book as furnished by Kumudini Satpathy-opposite party along with the application dated 01.09.2012 and observation made in

the Order dated 21.12.2013 by the learned Labour Court, which reads as under:

> *"5. On being called upon, the opposite party has filed the duplicate service book of Sachidananda Satpathy maintained in 3 volumes. As per the Volume-I, Sri Sachidananda Satpathy born on 31.08.1922, was appointed as Lower Division Clerk in the Office of the Executive Engineer, Left Bank Building Division with effect from 20.09.1954. He received annual increments. On 31.12.1958 he was relieved from the said Office and joined as Lower Division Clerk in the Office of the Executive Engineer, Canal Division, No.II on 01.01.1959. ..."*

7.3. In course of hearing of the instant matter on earlier occasion, this Court by Order dated 18.05.2017, having perused the records produced by the learned Additional Government Advocate, made the following observation:

> *"The original service book of the husband of opposite party No.1 namely Sachidananda Satpathy was produced by learned Additional Government Advocate, which on perusal reveals that* ***the employee was regularly appointed as a Lower Division Clerk since 1954 in the regular establishment****. The said service book was returned to learned Additional Government Advocate in Court itself.*
>
> *Learned counsel appearing for opposite party No.1 seeks some time to obtain instruction in the matter.*
>
> *Put up this matter after Vacation."*

7.4. Perusal of above papers available on record clinches the issue that the employee-Sachidananda Satpathy on

31.03.1960/01.04.1960, *i.e.,* the date of taking over the Hirakud Dam Project by the State Government, was working as Lower Division Clerk in regular establishment. Notwithstanding opportunity granted to Sri Basudev Pujari, learned Advocate in course of hearing on 18.05.2017 seeking for an adjournment to place on record necessary instruction, nothing is forthcoming from the contesting substituted opposite parties to contradict such fact that Sachidananda Satpathy worked in the regular establishment in the promotional post of Lower Division Clerk as on 31.03.1960/01.04.1960 and thereafter got further promotion to the post of Upper Division Clerk.

7.5. It is abundantly manifest from Order dated 13.08.1985 of the Hon'ble Supreme Court of India in Civil Appeal Nos.348 of 1974 and 349 of 1974 that the protection granted is available to the work-charged employees engaged prior to 01.04.1960 and allowed to continue in terms of Order No.HKD-5-A-23-51-2438, dated 08.09.1961 of the Government of Odisha. For benefit of understanding, the following lines are reproduced from said order:

"The Project was initially entrusted to the Central Water ways, Irrigation and Navigation Commission and the workmen were drawing the scales of pay etc. permissible to employees in the work-charged establishment of the Central Public Works Department. With effect from 01.04.1960, the State Government took over the project

and it was understood that the work-charged staff recruited prior to 01.04.1960 should be allowed to continuing the same scales of pay and conditions of services as were applicable to them on 31.03.1960.

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In order to remove this disparity within those who were employees in the establishment prior to 01.04.1960 and those who came to be employed in the project subsequent to 01.04.1960, the Government of Orissa conceived the idea of terminating the services of those employees who were working in the work-charged establishments prior to 01.04.1960 and offering them service in the new scales of pay applicable to the employees of the Government of Orissa."

7.6. It is unambiguous that the decision of the Hon'ble Supreme Court of India was confined to the employees who were working in the work-charged establishments prior to 01.04.1960.

7.7. On a diligent consideration of the documents made available on record and a meticulous reading of the observation of this Court made in the Order dated 18.05.2017 upon perusal of original service book, it is evident that Sachidananda Satpathy was not working in the work-charged establishment on 01.04.1960. Rather it remained uncontroverted by Sri Basudev Pujari, learned Advocate representing the legal heirs of the deceased opposite party (wife of the employee), that as at 31.03.1960 and on 01.04.1960 said Sachidananda Satpathy was working under regular establishment.

7.8. Therefore, the submission of Sri Basudev Pujari, learned Advocate that *"all the documents produced in the writ petition clinchingly support the decision of the Labour Court"* cannot be countenanced. This Court finds force in the submission of the learned Additional Government Advocate that *"the employee was appointed to the regular establishment as a Lower Division Clerk on 20.09.1954 and enjoyed regular State Government Scales of Pay and promotions until retirement"* and was relieved to join the said post on 22.09.1954.

Conclusion:

8. In the wake of discussions made *supra*, the decision of the Hon'ble Supreme Court of India *vide* Order dated 13.08.1985 read with Order dated 09.02.1988 rendered in the case of *The Workmen of Hirakud Dam Project Vrs. The Management of Hirakud Dam Project, Hirakud*, *Civil Appeal Nos.348 of 1974 and 349 of 1974* and *Civil Miscellaneous Petition Nos. 18620-18621 of 1987*, has no application to the present fact-situation.

8.1. This Court in the case of *Paltronics Allied Industries Pvt. Ltd. Vrs. State of Odisha, W.A. No. 1448 of 2026, decided on 12.11.2026 [2026:OHC:293-DB]*, laid down as follows:

"It is no longer res integra that the ratio of the judgment is to be culled out in the context it is so used. A little difference or an additional fact may invite a different conclusion and, therefore, the Court must read the

judgment in its entirety in order to find out the ratio decidendi. The Court should not use a sentence or word from the judgment to decipher the ratio, nor the judgment should be read in a piecemeal manner. It is no gainsaying that the judgment rendered by the Court cannot be read as a statute and every word or expression used therein is to be interpreted under the rigour of the interpretative tools. See paragraph 12 of Union of India Vrs. Arulmozhi Iniarasu, (2011) 9 SCR 1."

8.2. Examining Kumudini Satpathy's application dated 01.09.2012 filed before the learned Labour Court, Sambalpur (Annexure-5) alongside the petitioners' objection dated 16.11.2013 (Annexure-6) and this Court's Order dated 18.05.2017 unequivocally establishes that Sachidananda Satpathy was working as a Lower Division Clerk as on 31.03.1960 under regular establishment. Such a fact is fortified by copy of service book enclosed to the application dated 01.09.2012 furnished before the learned Labour Court by the petitioner (See, Annexure-5 of writ petition). The decision rendered by the learned Labour Court that as Sachidananda Satpathy was initially engaged as Time Keeper under the work-charged establishment prior to 01.04.1960, he was entitled to the benefit in terms of Order dated 13.08.1985 read with Order dated 09.02.1988 passed in *The Workmen of Hirakud Dam Project Vrs. The Management of Hirakud Dam Project, Hirakud*, *Civil Appeal Nos.348 of 1974 and 349 of 1974* and *Civil Miscellaneous Petition Nos. 18620-18621 of*

1987, is perverse, based on erroneous appreciation of evidence on record and misapplication of conscientious mind. Hence, it is held that the opposite parties-legal heirs are not entitled to the relief(s) claimed in application dated 01.09.2012 (Annexure-5) filed by Kumudini Satpathy, wife of Sachidananda Satpathy before the learned Labour Court, Sambalpur.

9. *Ergo,* the Order dated 21.12.2013 passed in Misc. Case No.1 of 1988 (SC)— No.782 by the learned Labour Court, Sambalpur is set aside. The writ petition filed by the Department of Water Resources and Superintending Engineer, Hirakud Dam Circle, Sambalpur thus succeeds.

10. As a sequel thereto, the writ petition is disposed of and pending Interlocutory Application(s), if any, shall stand disposed of, but in the circumstances there shall be no order as to costs.

(MURAHARI SRI RAMAN)
JUDGE

DR. SANJEEB K PANIGRAHI.— I agree.

(Dr. SANJEEB K PANIGRAHI)
JUDGE

Signature Not Verified
Digitally Signed
Signed by: ASWINI KUMAR SETHY
Designation: Personal Assistant (Secretary in-charge)
Reason: Authentication
Location: ORISSA HIGH COURT, CUTTACK
Date: 18-Nov-2026 20:10:00