

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.15471 of 2010

Sri Surendra Kumar Panda ***Petitioner***
Mr. S.B. Mohanty, Advocate
-versus-
State of Odisha and others ***Opp. Parties***
Mr. A.P. Das, ASC

**CORAM:
THE CHIEF JUSTICE
JUSTICE R.K.PATTANAİK**

**ORDER
17.02.2022**

Order No.

03. 1. The challenge in the present petition is to an order dated 26th June, 2010 passed by the Odisha Administrative Tribunal, Cuttack Bench, Cuttack (OAT) dismissing the Petitioner's O.A. No.2567(C) of 2000.
2. The Petitioner was claiming appointment under the Rehabilitation Assistance Scheme (RAS) on account of the death of his father while in service on 26th November, 1971. Admittedly, this time of his father's death the Petitioner was a 7 months old child having been born on 7th April, 1971. On attaining 18 years of age, the Petitioner applied to the Director, Horticulture for compassionate appointment under the RAS. On refusal of the Petitioner's request, the aforementioned application was filed in the OAT.

3. The OAT has held in the impugned order that the RAS was notified on 9th September, 1976 and therefore did not cover the cases of those may have died prior thereto for the purpose of RAS.

4. Learned counsel for the Petitioner places reliance on the decision of *Union of India v. Bhagawan Singh, AISLJ (II) 1996(1) 100*. That decision reiterates the general principles governing appointment on compassionate grounds. It does not support the proposition that RAS would have retrospective effect to cover a case where the employee in question dies prior to the coming into force of the RAS.

5. The Court is unable to find any error committed by the OAT in the impugned order. The writ petition is dismissed.

(Dr. S. Muralidhar)
Chief Justice

(R.K. Pattanaik)
Judge