

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) No. 11270 of 2008**

***Binodini Sahoo***

....

***Petitioner***

Mr. Santosh Ku. Swain, Advocate

*-versus-*

***State of Odisha and Others***

....

***Opposite Parties***

Mr. S.N. Das, Addl. Standing Counsel

**CORAM:**

**THE CHIEF JUSTICE**

**JUSTICE R.K. PATTANAİK**

**ORDER**

**17.02.2022**

**Order No.**

06. 1. The challenge in the present petition is to an order dated 10<sup>th</sup> April, 2008 passed by the Odisha Administrative Tribunal, Cuttack Bench, Cuttack (OAT) dismissing O.A. No.3078(C) of 2002 filed by the present Petitioner seeking the quashing of the orders dated 6<sup>th</sup> August, 1994 and 26<sup>th</sup> October, 2002 passed by the Collector, Cuttack rejecting the Petitioner's case for appointment under the Rehabilitation Assistance Scheme (RAS).
2. Before the OAT, the defence of the Opposite Parties was that the Petitioner's father had in fact resigned from service which was accepted on 26<sup>th</sup> October, 1976 with effect from 9<sup>th</sup> August, 1976. As it transpired the Petitioner's father was posted in Belpada Sevashrama on 19<sup>th</sup> February, 1974 and was relieved from duties 9<sup>th</sup> August, 1976 consequent upon the said resignation.

3. When an inquiry which was ordered it transpired that the Petitioner's father had drawn salary for the period 1<sup>st</sup> August 1974 to 10<sup>th</sup> August 1978 and thereafter had ceased to draw any salary. On 14<sup>th</sup> January 1999 the Petitioner's father expired.

4. Unless the Petitioner was able to show that his father was still in service at the time of his death the question of the Petitioner seeking the benefit of RAS would not arise.

5. Learned counsel for the Petitioner tried to argue that the Petitioner's father was in fact continuing in service and had never resigned. However, the Court finds that on facts the OAT after examining the original files, was satisfied that the Petitioner's father had in fact resigned in 1976. This being a purely factual aspect of the matter, the Court is not inclined to exercise its jurisdiction under Articles 226 of the Constitution of India to interfere with such finding of fact particularly when there are no documents contrary thereto in support of the Petitioner's case.

6. There is no error legal or factual in the impugned order of the OAT. The writ petition is accordingly dismissed.

***(Dr. S. Muralidhar)***  
***Chief Justice***

***(R.K. Pattanaik)***  
***Judge***