

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.515 of 2017

***Romanchan Meher @ Romanch
Kumar Meher***

....

Appellant

Mr. A. K. Biswal, Advocate

-versus-

State of Odisha and others

....

Respondent

Mr. M. K. Khuntia, AGA and M/s. B. C. Ghadei and associates,
Advocates for Respondent No.4

CORAM:

THE CHIEF JUSTICE

JUSTICE CHITTARANJAN DASH

ORDER

19.09.2022

Order No.

07.

1. The challenge in the present appeal is to an order dated 1st December 2017 passed by the learned Single Judge dismissing the Appellant's W.P.(C) No.24876 of 2017.

2. The background facts are that the father of the Appellant was working as Secretary in Ganapati Weaving Cooperative Society Limited (GWCS), Tukla in Nuapada District since 12th August, 1980. Unfortunately, the Appellant's father died while in service on 9th August, 2015 leaving behind the mother of the Appellant and the Appellant as his surviving heirs.

3. On 24th August 2015, the mother of the Appellant made a representation to the authorities for release of the dues of the deceased and also prayed for appointment of her son under the Rehabilitation Assistance Scheme (RAS). The Additional Director of Textiles, Kalahandi by a letter dated 17th October, 2015 asked the GWS to consider the request.

4. When there was no action was taken, the Appellant filed W.P.(C) No.11581 of 2016 in this Court. By an order dated 19th July, 2016 while disposing of the writ petition, this Court directed GWCS to consider the aforementioned representation within a period of three months.

5. When again no action was taken, contempt petition i.e. CONTC No.1869 of 2016 was filed in which an order was passed by this Court on 7th April, 2017 asking the GWCS to comply with its earlier order within three months.

6. Meanwhile, an advertisement was issued on 22nd November 2017 inviting applications for recruitment to the post of Secretary of the GWCS.

7. Challenging the said advertisement, the Appellant filed W.P.(C) No.24876 of 2017 in this Court on the ground that without considering the Appellant's application for rehabilitation under the RAS, no such advertisement could have been issued.

8. The said writ petition has been dismissed by the impugned order dated 1st December, 2017 of the learned Single Judge observing that appointment on compassionate grounds cannot be made for the post of Secretary of the Co-operative Society but only to the Group-C and D posts. Since contempt petition was already pending for non-compliance of the earlier order in the writ petition, the learned Single Judge declined to interfere with the advertisement.

9. In the present writ appeal, a counter affidavit has been filed on behalf of Respondent Nos.2 and 3 i.e., Assistant Director of Textiles in which *inter alia* it is pointed out that Appellant's

representation stood rejected since he could not be appointed under the RAS to the post of Secretary, GWCS. To the same effect is the separate counter affidavit filed by the GWCS.

10. Learned counsel for the Appellant states that till date he has not been formally communicated the rejection order. He further states that under the RAS, his case could still be considered for appointment to a Group-C or D post as and when the vacancy arises.

11. The Court finds no reason to interfere with the impugned order of the learned Single Judge as it suffers from no legal error. The Appellant's case under the RAS can only be confined to a Group-C or D post. It will not apply to the post of Secretary, GWCS. In any event, the post of Secretary, GWCS already stands filled up pursuant to the aforementioned advertisement.

12. In that view of the matter, while not interfering with the impugned order of the learned Single Judge, the Court observes that as and when any vacancy arises in a Group-C or D post in the GWCS, the case of the Appellant for appointment under the RAS will be considered notwithstanding the earlier rejection of his representation.

13. The appeal is disposed of in the above terms.

(Dr. S. Muralidhar)
Chief Justice

(Chittaranjan Dash)
Judge