

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 11855 of 2014

Pradeep Kumar Muduli and another

Petitioners

Ms. Guman Singh, Adv.

Vs.

State of Odisha and others

Opposite Parties

Mr. S. Jena, Standing Counsel S&ME

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE S.K. MISHRA

ORDER

22.06.2022

Order No.

04.

This matter is taken up through hybrid mode.

2. Heard Ms. Gumansingh, learned counsel appearing on behalf of Ms. P. Rath, learned counsel for the petitioners and Mr. S. Jena, learned Standing Counsel for School and Mass Education Department.

3. The petitioners have filed this writ petition challenging the order dated 27.01.2014 passed in O.A. No. 1380 of 2008, by which State Administrative Tribunal, Bhubaneswar did not feel inclined to entertain the relief sought by the petitioners in the original application and accordingly held that their claim for absorption as Class-III employee is rejected.

4. Ms. Gumansingh, learned counsel for the petitioner vehemently contended that the petitioners' name was found place at sl. nos. 21 and 23 of the eligibility list of appointment under rehabilitation assistance scheme by the Inspector of Schools under Annexure-3. As per the instructions issued by the G.A. Department on 11.06.2007 under Annexure-4 and the instructions issued by the School and Mass Education Department on 23.06.2007 and 24.04.2007 under Annexures-5 and 6, the appointing authority was,

to maintain the list on the basis of the dates of application, but the same was not done.

5. Mr. S. Jena, learned Standing Counsel for School and Mass Education Department contended that taking into consideration the dates of application, the petitioners have already been given appointment as Class-IV employee, which they have already accepted. Therefore, now they cannot claim that they should be absorbed as Class-III employee.

6. Having heard learned counsel for the parties and after going through the records, this Court finds that compassionate appointment claimed by the petitioners and offer was made to them to join in Class-IV post, which they have already accepted without any objection. Therefore, subsequently if Class-III posts are available, the petitioners cannot claim that they should be absorbed in the Class-III post, reason being, under the rehabilitation assistance scheme, the purpose is to save the family of a deceased government servant from immediate distress condition. As per Rule-7 of the OCS (RA) Rules, 1990 when a member of the family has been appointed to a particular post, no further claim shall be entertained for appointing the same person to a higher post, so also law is well settled in this regard that it is one time offer and acceptance. Therefore, once the petitioners have already accepted the post of Group-D under R.A. scheme, they do not have a legal right to choose any particular post for their appointment and, as such, they cannot claim a higher post in future under the rehabilitation assistance scheme, keeping in view the fact that the appointment under the rehabilitation assistance scheme is one time dispensation.

7. In the above view of the matter, this Court does not find any illegality or irregularity committed by the tribunal in passing the order impugned so as to cause interference with the same.

8. Accordingly, the writ petition merits no consideration and the same is hereby dismissed.

(DR. B.R. SARANGI)
JUDGE

(S.K. MISHRA)
JUDGE

Ashok

