

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 5222 of 2022

Subhashree Acharya

.....

Petitioner

Mr. P.K. Mohapatra, Advocate

-Versus-

State of Odisha and others

.....

Opposite Parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

19.05.2022

I.A. No. 3234 of 2022

Order No.
02.

This matter is taken up by hybrid mode.

2. This interlocutory application has been filed by the petitioner for modification of order dated 25.02.2022 passed in W.P.(C) No. 5222 of 2022.
3. Considering the averments made in the application itself and after hearing learned counsel for the petitioner, the order dated 25.02.2022 passed in W.P.(C) No.5222 of 2022 is recalled and fresh order is passed in W.P.(C) No. 5222 of 2022.
4. The interlocutory application stands disposed of.

(DR. B.R. SARANGI)
JUDGE

P.T.O.

W.P.(C) No. 5222 of 2022

Order No.
03.

This matter is taken up through hybrid mode.

2. Against rejection of claim with regard to compassionate appointment vide order dated 27.07.2021 under Annexure-7, the petitioner has approached this Court by filing the present writ petition.

3. Mr. P.K. Mohapatra, learned counsel for the petitioner contended that though the mother of the petitioner died on 18.04.2016 and, as such, Odisha Civil Service (Rehabilitation Assistance) Rules, 1990 was in force, but because of laches on the part of the authority, now the case of the petitioner has been considered under Odisha Civil Service (Rehabilitation Assistance) Rules, 2020, which is arbitrary, unreasonable and contrary to the provisions of law.

4. Learned State Counsel contended that since the petitioner has not satisfied the requirement under the provisions contained in Odisha Civil Service (Rehabilitation Assistance) Rules, 1990, her case has been rejected and, as such, consideration has been made under Odisha Civil Service (Rehabilitation Assistance) Rules, 2020.

5. Having heard learned counsel for the parties and after going through the records, this Court finds that while considering the case of the petitioner, the judgment of the apex Court in the case of ***State of Madhya Pradesh v. Ashish Awasthi***, 2021(II) OLR (SC) 1072 has not been taken into consideration by the authority. Therefore, the order dated 27.07.2021 under Annexure-7 is liable to be quashed and is hereby quashed. The matter is remitted back to the opposite party no.1 to reconsider the case of the petitioner once again taking into consideration the judgment of the apex Court in the case of ***Ashish Awasthi*** (supra), and pass a reasoned and speaking order as expeditiously as possible, preferably within a period of three months

from the date of receipt of certified copy of this order.

Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

Ashok

