

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.7128 of 2022

Arya Jyoti Mishra

.... Petitioner
Mr. D.R. Bhokta, Advocate

-versus-

***Register of Co-operative Societies,
Orissa, Bhubaneswar and others***

.... Opposite Parties
Mr. K.K. Nayak, ASC for State

**CORAM:
JUSTICE A.K. MOHAPATRA**

ORDER
11.04.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned counsel for the State.
3. Challenging the rejection order dated 02.02.2022 passed by the Secretary, Koraput Central Co-operative Bank Ltd., Koraput- Opposite Party No.2 under Annexure-3, the Petitioner has approached this Court by filing this writ petition and further prays to quash the letter under Annexure-3. It is submitted by learned counsel for the Petitioner that father of the Petitioner died in harness on 28.11.2010 leaving behind the present Petitioner as legal heir. Accordingly, the present Petitioner had submitted an application on 19.04.2011 for appointment under Rehabilitation Assistance Scheme under *the Orissa Civil Service (Rehabilitation Assistance) Rule, 1990*. However, it appears that the Authority under Annexure-3

rejected the application of the Petitioner taking into consideration the new set of rules issued by the Government vide Circular dated 17.02.2020. The law is no more res integra. As this Court finds, the decision of the Hon'ble Apex Court in the case of ***State of Madhya Pradesh vs. Ashish Awasthi***, reported in ***2021 (II) OLR (SC) 1072***, wherein the Hon'ble Apex Court in a clear and categorical term observed that the policy prevalent at the time of death of the deceased employee is only to be considered and not the subsequent policy, so far as the Rehabilitation Assistance Scheme is concerned. In such view of the matter, learned counsel for the Petitioner submits that the impugned order dated 02.02.2022 under Annexure-3 is not sustainable in law.

4. Learned counsel for the State on the other hand submits that let the Petitioner approached the Authority afresh by filing an application. In such event, the Authority shall consider the application of the Petitioner in terms of the decision of the Hon'ble Apex Court in the case of ***Ashish Awasthi (supra)*** within a stipulated period of time.

5. Considering the submission made and the facts and circumstances of the present case, this Court is of the considered view that the order dated 02.02.2022 under Annexure-3 is unsustainable in law, therefore, the same is set aside. Further the Petitioner is permitted to approach the Authority within a period of two weeks from today. In that event, the Authority shall consider the case of the Petitioner in the light of the judgment of the Hon'ble Apex Court in the case of ***Ashish Awasthi (supra)***. The entire exercise shall be completed within a period of three months from the date of production of certified copy of this order.

6. With the above observation, the writ petition stands disposed of.
7. Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge

U.K.Sahoo

