

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.7954 of 2022

Abinash Bhatta

....

Petitioner

Mr. D.R. Bhokta, Advocate

-versus-

***Registrar of Cooperative Societies
and others***

....

Opposite Parties

Mr. Y.S.P. Babu, A.G.A.

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

**ORDER
25.04.2022**

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. It is submitted by learned counsel for the petitioner that the Petitioner has approached this Court by filing this writ petition with a prayer to direct the opposite parties to consider the case for appointment of the petitioner under Rehabilitation Assistance Scheme under Annexure-2. It is submitted by learned counsel for the Petitioner that father of the Petitioner died in harness on 29.07.2014 leaving behind the present Petitioner as legal heir. Accordingly, the present Petitioner had submitted an application on 17.12.2021 for appointment under Rehabilitation Assistance Scheme under the Orissa Civil Service (Rehabilitation Assistance) Rule, 1990. However, learned counsel for the petitioner submits that a direction may be given to the Authority to consider the case of the petitioner under Annexure-2 afresh under the

relevant Rules i.e. Orissa Civil Service (Rehabilitation Assistance) Rule, 1990, which was in force when the father of the petitioner died in harness. The law on the subject 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 appointment under the Rehabilitation Assistance Scheme is concerned.

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 in view of the facts and circumstances of the present case, this Court disposes of the writ petitioner with a direction to the petitioner 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

