

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 12482 of 2021

Aditya Prakash Biswal

....

Petitioner

Mr. K.P. Mishra, Adv.

-Versus -

State of Odisha & Ors.

....

Opposite Parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

11.02.2022

Order No.

1

This matter is taken up through hybrid mode.

2. Heard Mr. K.P. Mishra, learned counsel for the Petitioner and learned State Counsel for the Opposite Parties.

3. Against non-consideration of representation for compassionate appointment vide Annexure-6 series dated 22.02.2021, the petitioner has approached this Court by filing this writ petition.

4. Looking to the date of death of the deceased involving whom appointment under the Rehabilitation Assistance Scheme is sought and the date of application for appointment under the Rehabilitation Assistance Scheme, this Court finds, the issuance of rejection letter vide Annexure-6 series applying the provision in the 2020 Rule, which has even not seen the light of the day either on the date of death or on the date of submission of application for appointment under the Rehabilitation Assistance Scheme, remains contrary to the decision of the apex Court in the case of *State of*

Madhya Pradesh v. Ashish Awasthi, 2021(II) OLR (SC) 1072, wherein the 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. This Court, therefore, interfering with the rejection order dated 22.02.2021 vide Annexure-6 series sets aside the same and directs Opposite Party No.1 to consider the case of the Petitioner for appointment under the Rehabilitation Assistance Scheme in terms of the provision at Orissa Civil Services (Rehabilitation Assistance) Rules, 1990 with the amended Rules, 2016 and also keeping in view the verification under Annexure-5 dated 28.11.2019.

5. The entire exercise shall be completed within a period of three months from the date of communication/production of certified copy of this order by the Petitioner.

6. With the aforesaid observation and direction the writ petition stands disposed of.

(Dr. B.R. Sarangi)
Judge

Alok