

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.12545 of 2022

Binod Khora

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

26.07.2022

Order No

02.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard Mr. Mallik, learned counsel for the Petitioner and Mr. Bharadwaj, learned Assistant Standing Counsel appearing for the State.

3. The Petitioner is aggrieved by the communication issued by the Settlement Officer, Berhampur-O.P. No.3 in directing the Petitioner to submit a fresh application for his appointment under the provision of Rehabilitation Assistance Scheme as per OCS (RA) Rules, 2020.

4. It is submitted that the Petitioner's father died in the year 1999 and after consideration of his application, the same was forwarded by the O.P. No.3 to the Govt. under Annexure-3.

5. But it is submitted that without taking a decision on the same the matter was kept pending and now vide Annexure-4 he has been

directed to make a fresh application and for its consideration as per the Amended Rule, 2020.

6. It is submitted that the said direction in Annexure-4 is not entertainable in view of the decision of the Hon'ble Apex Court reported in the case of *Ashish Awasthi*.

7. In view of such submission made by Mr. Mallik and the view expressed by the Hon'ble Apex Court in the aforesaid case, this Court while quashing Annexure-4 directs the Opp. Parties to consider the application of the Petitioner as per the prevailing Rule, which was prevalent at the time of death of the deceased employee.

8. It is also observed that on such consideration necessary order of appointment be issued in favour of the Petitioner, if he is otherwise eligible. The entire exercise shall be completed within a period of three months from the date of receipt of this order.

9. The writ Petition is accordingly disposed of.

(Biraja Prasanna Satapathy)
Judge

Sneha