

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 8196 of 2011

Prabira Kumar Dash

....

Petitioner

Mr. B.K. Parida-2, Advocate

-versus-

MD, OFDC, BBSR & Another

Opposite Parties

Mr. S.K. Pattanaik, Senior Advocate

CORAM: JUSTICE V. NARASINGH

ORDER

25.08.2022

Order No.

08.

1. This matter is taken up through hybrid mode.
2. Heard Mr. B.K. Parida-2, learned counsel for the petitioner and Mr. S.K. Pattanaik, learned counsel for the Orissa Forest Development Corporation.
3. The present Writ Petition has been filed by the son of Late Bhagirathi Dash who was an erstwhile employee working under the Orissa Forest Development Corporation, as the father of the petitioner died in harness on 21.05.2004, the petitioner is seeking appointment under Rehabilitation Assistant Scheme.
4. Admittedly, the Corporation is governed by the Rehabilitation Assistant Scheme of the Government.
5. It is apt to note here the earlier agitating his grievance, the petitioner has approached this Court by filing W.P.(C) No.18487 of 2009 and by order dated 23.12.2009, this Court taking note of the pendency of the petitioners application dated 10.08.2008 annexed as Annexure-5 to the Writ Petition directed the authorities (the Orissa Forest Development Corporation) to consider the same.

6. It is the grievance of the petitioner that notwithstanding the orders passed by this Court by the impugned order dated 01.03.2011 at Annexure-6, the claim of the petitioner has been rejected.

7. On perusal of the rejection order, it is seen that Orissa Forest Development Corporation has taken specific stand that the application dated 10.12.2008, which was referred to in the earlier order of this Court, was never received at the end of Orissa Forest Development Corporation and it has also been stated that in view of the ban order for recruitment of the appointment under the Rehabilitation Assistant Scheme in Public Sector undertaking imposed by the Government they are not in position to consider the grievance of the petitioner.

8. In the counter affidavit filed by the Opposite Party-Orissa Forest Development Corporation, the stand taken in the impugned order has been reiterated regarding non receipt of application dated 10.12.2008 and the ban order passed by the State Government for appointment under the Rehabilitation Assistant Scheme.

The stand of the Opposite Party-Orissa Forest Development Corporation in paragraph-21 of the counter is quoted hereunder for convenience of ready reference.

“That at present about 123 nos. of applications under Rehabilitation Assistant Scheme are still pending with the Corporation and until the State Government lifts the ban and unless the position of the Corporation improves and vacancies are available for giving fresh appointments there is no scope for considering the

cases for appointment under Rehabilitation Assistant Scheme.”

9. There is no reply filed on behalf of the petitioner to the specific stand of the Corporation regarding non receipt of his application dated 10.12.2008, which was the basis of this Court to entertain his earlier Writ Petition. But it is submitted that the Petitioner’s mother had made an application on 03.09.2005 at Annexure-4 and it is submitted that the Corporation has not responded to the application filed by the mother at Annexure-4 and the counter filed also does not advert to such pleadings in the Writ Petition.

10. Taking note of the same notwithstanding the specific stand of the Corporation regarding non availability of vacancy, the ban order as referred to above and non receipt of the application by the petitioner, the Court is of the considered opinion that in view of the stand of the Corporation extracted hereinabove in paragraph (paragraph-21) of the counter, interest of justice would be subserved if the Corporation is called upon to consider the claim of the petitioner, if, there are any changing circumstances notwithstanding the rejection order at Annexure-6.

11. Since the matter relates to Rehabilitation Assistance, expeditious steps be taken preferably within a period of six months from the date of receipt/production of this order. Decision so taken be communicated to the petitioner at the address reflected in the W.P.(C).

12. With such observation, this Writ Petition stands disposed of.

(V. NARASINGH)
Judge

Ayesha