

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.16206 of 2016

Jogesh Ranjan Pallai

.....

Petitioner

Mr. Ravi Shankar Samal, Adv.

Vs.

**Odisha State Electricity
Board, Bhubaneswar &
another**

.....

Opposite Parties

*Mr. Bibudhendra Dash, Adv.
(O.P. No.2)*

CORAM: JUSTICE SANJAY KUMAR MISHRA

ORDER

31.10.2022

Order No.

04.

This matter is taken up through hybrid mode.

2. Heard Mr. R.S. Samal, learned Counsel for the Petitioner, so also Mr. B. Dash, learned counsel for O.P. No.2.

3. This Writ Petition has been filed to give employment to the Petitioner under Rehabilitation Assistance Scheme in the O.P. No.2-Management i.e. CESU, on the ground that the father of the Petitioner, who was working as a Lineman-B under the O.P. No.2, died while in service on 21.02.2003.

4. Being noticed, a Counter has been filed by the O.P. No.2 and the relevant portions of the Counter are being quoted below for ready reference.

“3. That this opposite party humbly begs to submit that the writ petition as filed is not maintainable due to non-joinder and mis-joinder of necessary parties, because Orissa State Electricity Board to whom the petitioner has impleaded as Opp. party No.1 is no more in existence since long and the petitioner has not impleaded the Chief Executive Officer, CESU as a party who is a proper party for this case and the opposite party no.2 is not competent to extend any appointment to the petitioner under the Rehabilitation Assistance Scheme and furthermore, CESCO Rehabilitation

Assistance Trust is also a necessary party for proper adjudication of the case.

Besides the above right from 2000, a Regulation was framed by CESCO namely CESCO Rehabilitation Assistance Regulation, 2000 for the purpose of rehabilitation of the Family if any of its employee, if died while continuing in service or incapacitated and a trust was created namely CESCO Rehabilitation Assistance Trust through whom the Assistance was extended to the benefit of family, if died in course of employment or incapacitated and under clause-12 of Regulation, the distress family is only entitled to receive a sum of Rs.1,00,000/- and there is no scope under the said regulation, for any appointment under the said Regulation.

4. That in view of the above, the mother of the petitioner namely Sasmita Pallai submitted an application on 24.04.2003 in the prescribed manner through the Secretary of the Trust to extend the Financial Assistance under the above Regulation as her husband was died while in service and after receipt of the said application, the then Deputy General Manager (HR & A) CESCO wrote a letter to the Secretary, CESCO Rehabilitation Trust on 25.08.2003 enclosing the application submitted by the mother of the petitioner to re-submit the same with certain documents indicated in the said letter. A copy of the said application dated 24.04.2003 and the said letter issued by the Deputy General Manager (HR & A) to the Secretary, CESCO Rehabilitation Trust dated 25.08.2003 is filed herewith as Annexure-A/2 and B/2 respectively.

5. That in view of the above letter, the mother of the petitioner resubmitted the same and after considering the same the financial assistance was sanctioned in favour of the mother of the petitioner by the office order of the Trust vide No.FW-Fond-RH25473, dtd.08.09.2004 by the Secretary (T.13) is filed herewith as Annexure-C/2.

6. That accordingly, the said amount was deposited in the account of trust from 22.10.2004 for a period of six years i.e. till 22.10.2010 as per the Regulation. A copy of the term deposit receipt showing depositing of Rs.1,00,000/- is filed herewith as Annexure-D/2 and after completion of the term, the said amount which was deposited in the fixed deposit for a period of 6 years was transferred to the Saving Bank Account of the mother of the Petitioner which is revealed from the

letter dtd. 07.03.2011 issued by General Manager (Finance)-cum-Secretary, CESCO Headquarters, Bhubaneswar i.e. on 22.10.2010. But the petitioner has suppressed the above material facts in his writ application. A copy of the said letter dtd.07.03.2011 is filed herewith as Annexure-E/2.”

5. No rejoinder has been filed by the Petitioner in response to the said Counter disputing the said averments made in the Counter.

6. Learned Counsel for the Petitioner also fairly concedes before this Court that in terms of the said Regulation, 2000, the Petitioner’s mother has already received the amount from the Authority concerned.

7. In view of such admitted facts on record, the Writ Petition stands disposed of as infructuous.

padma

