

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.27400 of 2021

Sarat Chandra Behera

.....

Petitioner

Mr. B.K. Behera-1, Adv.

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. S.K. Samal, AGA

CORAM:

MR. JUSTICE SANJAY KUMAR MISHRA

ORDER

30.08.2022

Order No.

02.

This matter is taken up through hybrid mode.

2. Learned Counsel for the Petitioner, during course of hearing, makes a submission that by mistake, Prayer No. C has crept in the Writ Petition and the said Prayer may be ignored.

3. Accordingly, prayer is allowed.

(S.K. MISHRA)
JUDGE

Order No.

03.

I.A. No.11351 of 2022 & W.P.(C) No.27400 of 2021

1. This I.A. has been filed by the Petitioner praying therein to direct the O.P. No.5-Settlement Officer, Settlement Office, Ganjam Koraput Major Settlement, Berhampur, to give him appointment under Rehabilitation Assistance Scheme in Group-C Post, instead of Group-D Post, as per the provisions of Odisha Civil Service (Rehabilitation Assistance) Amendment Rules, 2016 and in view of the recommendation made by the Settlement Officer,

Berhampur, dated 10.08.2022, addressed to the Under Secretary to Government, Revenue & DM Department, Odisha, Bhubaneswar.

2. Learned Counsel for the State, in response to the I.A., makes a submission that though the Authority concerned has recommended to consider the representation dated 05.08.2022 of the Petitioner, which was submitted during pendency of the Writ Petition, but the contents of the said communication is the reproduction of the contents of the representation given by the Petitioner.

3. Learned Counsel for the Petitioner makes a submission that the case of the Petitioner is squarely covered by the judgment of the apex Court in **Malaya Nanda Sethy vrs. State of Orissa and others**, in Civil Appeal No.4103 of 2022, disposed of on 20.05.2022, and prays that the Writ Petition may be disposed of directing the Authority to act on the recommendation of the Settlement Officer, Berhampur, dated 10.08.2022, so also in terms of the judgment of the apex Court.

4. In that view of the matter, the Opposite Party No.1 is directed to take a decision on the representation of the Petitioner dated 05.08.2022 and pass a reasoned Order within a period of six weeks from the date of communication/production of certified copy of this Order along with a copy of the Writ Petition.

5. Accordingly, the I.A. as well as the Writ Petition stand disposed of.

(S.K. MISHRA)
JUDGE