

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.23554 of 2022

Radha Kanta Pati

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

14.10.2022

Order No

02.

1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Affidavit filed in Court be kept on record.
3. Heard Mr. S. Roy, learned counsel for the Petitioner and Mr. A.P. Das, learned ASC appearing for the Opp. Parties.
4. The present writ Petition has been filed with the following prayer:-

“It is therefore prayed that this Hon'ble Court may graciously be pleased to admit the writ petition and issue Rule "NISI" to the Opp. Parties to show cause as to;

(i) Why the action of the Opposite Parties in not providing compassionate appointment to the petitioner under the Rehabilitation Assistance Scheme in the facts and circumstances of the case will not be declared as illegal; and
(ii) Why the Opposite Parties will not be directed to provide compassionate appointment to the petitioner as per the application dated 23.07.2014 by taking appropriate steps in the matter within a stipulated time; and

And if the Opp. Parties do not show cause then the Rule be made absolute by issuing appropriate writ /writs and any other order as deem fit be passed;

And for this act of kindness, the petitioner shall as in duty bound ever pray.”

5. It is submitted that the application submitted by the Petitioner for his appointment under the provision of Rehabilitation Assistance Scheme was forwarded to the Govt. by the office of O.P. No. 2 vide letter No. 31571 dtd.03.09.2016.

6. It is submitted that though the application has been forwarded since 03.09.2016 and subsequent communication was made by the O.P. Nos.2 & 3 on 20.09.2017 and 20.02.2019, but no decision has been taken in considering the claim of the Petitioner for his appointment under the provision of Rehabilitation Assistance Scheme.

7. In view of such submission made by the learned counsel for the Petitioner, this Court while disposing the writ Petition, directs O.P. No. 1 to take a decision on the Petitioner's claim so forwarded to him by the O.P. No. 2 vide letter No. 31571 dtd.03.09.2016 within a period of three (3) months from the date of receipt of this order.

8. However, it is observed that while taking such a decision, the said Opp. Party shall follow the decision of the Hon'ble Apex Court reported in the case of *Malayananda Sethi Vs. State of Odisha* and the decision of this Court reported in *2022(II) OLR Page 735*.

9. The writ Petition is disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge

Sneha