

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No. 622 of 2010

Bisram Oram

....

Petitioner

Mr. S.B. Jena, Advocate

-Versus -

***Collector, Sundargarh &
Anr.***

....

Opp. Parties

State Counsel

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

27.01.2022

Order No.

01

This matter is taken up through video conferencing mode.

2. Heard Mr. S. Behera, learned counsel for the petitioner and Mr. M.K. Balabantaray, learned Standing Counsel for the State.

3. The petitioner has filed this writ petition challenging the order under Annexure-5 dated 08.12.2009 refusing to grant him compassionate appointment on the ground that the post held by the wife of the petitioner is meant for STW only.

4. Mr. S.Behera, learned counsel for the petitioner contended that when the petitioner seeks compassionate appointment, the question of reservation of any category does not apply, since he is to get employment under rehabilitation assistance scheme applicable to the petitioner.

5. Mr. M.K. Balabantaray, learned Standing Counsel for the State contended that the petitioner has not submitted the application under the prescribed format as per Rule-8(1)A of the Odisha Civil Service (Rehabilitation Assistance) Rules, 1990 for

which, his application has been rejected.

6. Since on a technical ground the application of the petitioner has been rejected, this Court is of the considered view that interest of justice shall be best served if the petitioner is given opportunity to file a fresh application for appointment as per prescribed format under Odisha Civil Service (Rehabilitation Assistance) Rules, 1990. Therefore, this writ petition stands disposed of with the direction that if the petitioner makes such an application in accordance with the aforesaid rules within a period of one month from today, the authority shall consider the same and pass appropriate order in accordance with law within a period of three months thereafter.

7. With the above observation and direction, the writ petition stands disposed of.

As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No. 4798 dated 15th April, 2021 and Court's office order circulated vide Memo Nos. 514 and 515 dated 7th January, 2022.

(Dr. B.R. Sarangi)
Judge

GDS