

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) NO.25033 OF 2022

Jagadish Bhoi

....

Petitioner

-versus-

State of Odisha & Others

....

Opp. Parties

COROM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

26.9.2022

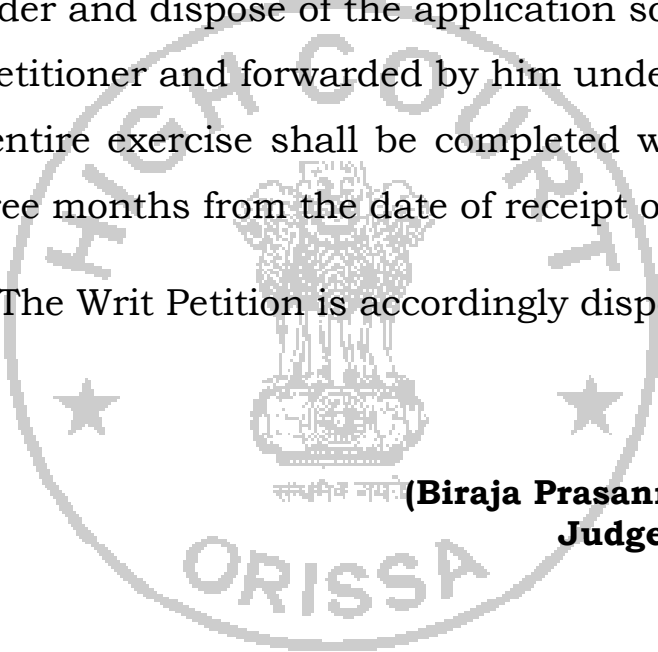
Order No

1. 1. This matter is taken up through Hybrid Mode.
2. Heard Mr. S.K. Rout, learned counsel for the petitioner and Mr. Ch. S. Mishra, learned A.G.A
3. The petitioner is aggrieved by the communication issued by Opp. Party No.4 on 1.7.2021 under Annexure-6. It is submitted that the petitioner's father died on 7.9.2007 and the petitioner on attaining the majority, made his application for his appointment under the provisions of Rehabilitation Assistance Scheme and the said application was also forwarded by Opp. Party No.4 under Annexure-3, but no final decision was taken. It is submitted that now basing on the amended provision contained in the Rehabilitation Assistance Rules, 2020, the petitioner has been directed to make a fresh application as per the said amended Rules. Mr. Rout, learned counsel for the petitioner submitted that the said action of opp. party no.4 is contrary to the decision of the Hon'ble Apex

Court rendered in the case of State of Orissa & Others Vs. Malayananda Sethi. In the said decision, Hon'ble Apex Court has already held that application under the provisions of Rehabilitation Assistance Scheme has to be considered as per the relevant rule prevalent at the time of death of the concerned employee.

4. In that view of the matter, this Court while disposing of the matter directs Opp. Party No.4 to consider and dispose of the application so submitted by the petitioner and forwarded by him under Annexure-3. The entire exercise shall be completed within a period of three months from the date of receipt of this order.

5. The Writ Petition is accordingly disposed of.

The seal of the Orissa High Court is a circular emblem. It features the Ashoka Lion Capital in the center, flanked by two stars. The text 'HIGHER COURT' is written in an arc at the top, and 'ORISSA' is written in an arc at the bottom. Below the lion capital, the Odia text 'ସଂସଦିକ ନାୟକ' is visible. To the right of the seal, the name and title of the judge are printed.
(Biraja Prasanna Satapathy)
Judge

Sangita