

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.25120 of 2022

Dambarudhar Swain

....

Petitioner

Mr. Akshaya Kumar Sahoo, Adv..

-versus-

State of Odisha and Ors.

....

Opposite Parties

Mr. Debasis Mohapatra, SC

(for S & ME Deptt.)

Mr. G.R. Mohapatra, ASC

CORAM:

DR. JUSTICE S.K. PANIGRAHI

Order

No.

ORDER

29.09.2022

01. 1. This matter is taken up through hybrid arrangement.
2. Heard.
3. In this Writ Petition, the Petitioner, seeks a direction from this Court to the Opposite Party No.6/ District Education Officer, Deogarh to consider his application as per the Orissa Civil Service (Rehabilitation Assistance Rules, 1990 and to appoint him under the Rehabilitation Assistance Scheme within a stipulated time.
4. Learned counsel for the Petitioner submits that the Petitioner is the elder son of the deceased employee namely Krushna Chandra Swain who died in harness on 26.02.2014 leaving behind his two wives and other legal heirs including the Petitioner. The father of the Petitioner

was serving as a Peon in Taranga High School, Taranga, in the district of Deogarh. At the time of death of his father, the Petitioner was 14 years old. After attaining maturity, the Petitioner applied for appointment under the Rehabilitation Assistance Scheme on 27th March, 2019. The Petitioner had submitted all the relevant documents including the no objection affidavit from other legal heirs. Though the application was submitted on 27th March, 2019, the authority is still sitting over the application of the Petitioner without taking any decision. The said action of the Opposite Parties compels the Petitioner to file the present Writ Petition.

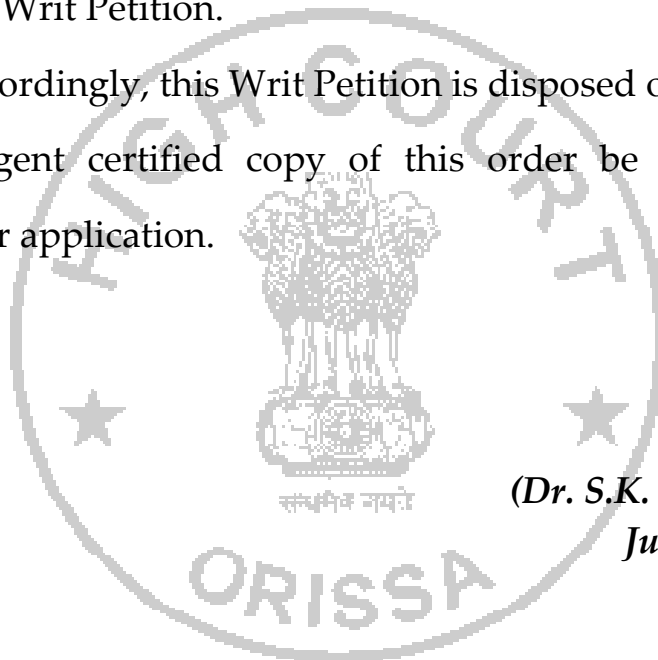
5. At this juncture, learned counsel for the Petitioner submits that the Petitioner has submitted a representation to the Opposite Party No.3/ District Education Officer, Deogarh seeking appointment under the Rehabilitation Assistance Scheme. But the said representation is pending for disposal before the authority since 11.04.2022. However, there is no proof of submission of representation before the Opposite Party No.3/ District Education Officer, Deogarh.

6. In such view of the matter, the Opposite Party No.3/ District Education Officer, Deogarh is directed to

consider and dispose of the representation of the Petitioner, if it has been submitted, or else the Petitioner is at liberty to submit a fresh representation which will be considered and disposed of by the Opposite Party No.3/ District Education Officer, Deogarh within a period of thirty days from the date of presentation of fresh representation along with a copy of this order and a copy of the Writ Petition.

7. Accordingly, this Writ Petition is disposed of.

8. Urgent certified copy of this order be granted on proper application.



(Dr. S.K. Panigrahi)
Judge

B.Jhankar