

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.C(OAC)No.1749 of 2016

Akrura Sahoo

....

Petitioner

-versus-

State of Odisha & Others

....

Opposite Parties

COROM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

04.08.2022

Order No

03.

1. This matter is taken up through Hybrid Mode.

2. Heard Mr. B. K. Parida, learned counsel for the Petitioner and Mr. Balabantaray, learned A.G.A. for the State-Opp. Parties.

3. The petitioner is aggrieved by the order dated 19.03.2016 passed by Opp. Party No.1 under Annexure-6 rejecting the claim of the Petitioner for his appointment in Class-IV post.

4. It is submitted that the Petitioner was engaged on ad hoc basis for different period starting from 17.11.1994 till 05.08.1997. It is further submitted that without considering such engagement on ad-hoc basis, when the petitioner was disengaged, he approached this Court in OJC no.1784 of 1997. But it is submitted that the said writ petition was dismissed for non-prosecution. It is further submitted that subsequently even though the petitioner approached the opposite parties time and again seeking his

reengagement in view of the fact that the petitioner is a physically handicapped person with 75% disability, but the said prayer was never considered by the opposite parties. The petitioner accordingly once again approached the learned Tribunal in O.A. No.4734(C) of 2015 and the learned Tribunal in its order dated 21.12.2015 directed the Opp. Party No.1 to take a decision on the Petitioner's claim. It is submitted that without taking into consideration the disability of the petitioner, Opp. Party No.1 mechanically rejected the claim vide impugned order under Annexure-6.

4. Since the petitioner is a physically disabled person with 75% disability, Opp. Party No.1 while considering the petitioners' claim for re-engagement should have taken that aspect into consideration. It is also submitted that the petitioner have no other source of income and he is unable to maintain his family.

5. In such view of the matter, this Court while setting aside the order dated 19.03.2016, directs Opp. Party No.1 to reconsider the matter by taking a sympathetic view and if possible, engage the petitioner in any establishment coming under his Department. The said exercise shall be completed within a period of two months from the date of receipt of this order.

6. The Opp. Party No.1 is directed to act on this order on production of certified copy of this order by the petitioner.

(Biraja Prasanna Satapathy)
Judge

Subrat