

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No. 4787 of 2016

Yudhisthira Sethi

.....

Petitioner

Mr. R. K. Behera, Advocate

Vs.

State of Odisha and others.

.....

Opposite Parties

Mr. S.Rath, ASC

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

01.12.2022

Order No.

04.

This matter is taken up through hybrid mode.

2. Heard Mr. R.K. Behera, learned counsel for the petitioner and Mr. S. Rath, learned Additional Standing Counsel for the State.

4. The petitioner has filed this writ petition seeking to quash the order dated 03.05.1996 passed by opposite party no.2 under Annexure-4 by which the claim of the petitioner for compassionate appointment was rejected.

5. Mr. Behera, learned counsel for the petitioner contended that the father of the petitioner was remaining always ill during the service tenure, for which he had taken voluntary retirement. Consequentially the petitioner claimed for compassionate appointment, but the same was rejected, for which he has approached this Court in the present writ petition.

6. Mr. S. Rath, learned counsel for the petitioner contended that appointment under R.A. Scheme is not available to the legal heirs of the government employees who retired by applying VRS. Thereby, the authority is well justified by rejecting the claim of the petitioner.

7. Having heard learned counsel for the parties and after going through the record, it appears that the father of the petitioner retired from service under VRS. After retirement of the father of the petitioner, the petitioner made an application for appointment as per the provisions of OCS (RA) Rules, 1990 as amended in the year 1993. But the said rule requires that if somebody retires on the ground of invalidation or died while in employment,

the legal heir of the employee is entitled to get the benefit of appointment under R.A. scheme. The petitioner does not satisfy any of the conditions as stipulated in the rule itself. Therefore, the same cannot be extended to the present petitioner. The order dated 03.05.1996 in Annexure-4 also clearly reveals such fact. Thereby, there is no infirmity in the order impugned, so as to cause any interference.

8. In view of the above, the writ petition merits no consideration and the same stands dismissed.

Arun

(DR. B.R. SARANGI, J.)

