

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C)(OAC) No.638 of 2016

Dharitri Das

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

25.08.2022

Order No

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard Mr. P.K. Giri, learned counsel for the Petitioner and Mr. YSP Babu, learned AGA appearing for the State-Opp. Parties.

3. The present writ Petition has been filed with the following prayer:-

“The applicant therefore prays that your Honour will be graciously pleased to pass the following relief:-

A) The order of disengagement from service under Annexure-4 passed by Respondent No. 8 on the ground of unauthorisedly absent from Govt. duty of missing Govt. employee Saroj Kumar Das be quashed.

B) Direction be given to the Respondents to take immediate necessary steps accordingly to the provisions of Rule 16 of the Orissa Civil Service (Rehabilitation Assistance) Rules 1990 to provide compassionate appointment to the applicant to save her distress family from harness within a stipulated time period to be fixed by this Hon'ble Tribunal.

C) Further be pleased to pass any such other appropriate order(s) as the Hon'ble Tribunal deems fit and proper in the bonafide interest of justice."

4. It is submitted that the Petitioner's husband while was working in the Job Contract establishment, he went missing w.e.f.20.05.2013 and the Authority without considering that aspect when discharged him from service vide order dtd.01.10.2013 under Annexure-4, the Petitioner filed the present writ Petition with the aforesaid prayer.

5. It is submitted that since 20.05.2013 the husband of the Petitioner has not been traced out and accordingly it is to be presumed as a Civil death. Mr. Giri further brought to the notice of this Court the resolution issued by the Govt. in the General Administration Department on dt.05.02.2010 under Annexure-10, wherein it has been indicated that benefit of Rehabilitation Assistance is to be made available to Job Contract Employees of the Settlement & Consolidation w.e.f.16.07.1996.

6. It is also indicated in the resolution that the provision of OCS (R.A.) Rules, 1990 is to be made applicable to the family of Job Contract employees from the date of publication in the Odisha Gazette i.e. w.e.f.26.05.2009.

7. Since admittedly the Petitioner's husband is missing from 20.05.2013 and till date he is yet to be traced out the prayer of the Petitioner needs consideration in accordance with the resolution dtd.05.02.2010 by the Opp. Parties. Therefore, this Court while disposing the writ Petition, directs O.P. No. 1 to take a decision on the Petitioner's claim for his appointment under the provision of OCS (R.A.) Scheme within a period of three (3) months from the date of receipt of this order.

8. The Petitioner is directed to move an application along with a copy of this Order before the Opp. Party No. 1 within a period of 15 (fifteen) days from today. On receipt of the said application O.P. No. 1 shall take appropriate action in terms of the resolution issued under Annexure-8 within the time stipulated by this Court hereinabove.

9. The writ Petition is disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge

Sneha

