

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No.34242 of 2020

Nilakantha Singh

.....

Petitioner

Mr. B.S. Tripathy, Advocate

Vs.

Union of India & Others

.....

Opposite Parties

Mr. C. Pradhan, Sr. Panel Counsel,

Union of India

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE B.P. SATAPATHY

ORDER

18.11.2022

Order No.

7

This matter is taken up through hybrid mode.

2. Heard learned counsel for the parties.

3. The petitioner has filed this writ petition seeking to quash the order dated 07.10.2020 under Annexure-5 passed in O.A. No.457 of 2019, by which the Central Administrative Tribunal, Cuttack Bench, Cuttack has confirmed the order dated 21.06.2019 passed by opposite party no.3 rejecting the application of the petitioner for compassionate appointment, and further to issue direction to the opposite parties to give compassionate appointment to the petitioner under Rehabilitation Assistance Scheme as per the prevailing guidelines/circulars of the Department during the year 2001, within a stipulated period.

4. Mr. B.S. Tripathy, learned counsel for the petitioner contended that the case of the petitioner is covered by the judgment of the apex Court in the case of *Malaya Nanda Sethy v. State of*

Orissa, Civil Appeal No. 4103 of 2022 disposed of on 20.05.2022. Therefore, this writ petition may be disposed of in the light of the aforesaid order, to which learned Sr. Panel Counsel appearing for Union of India has raised no objection.

5. In the above view of the matter, the order dated 07.10.2020 under Annexure-5 passed by the Central Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No.457 of 2019 confirming the order dated 21.06.2019 passed by opposite party no.3 is hereby quashed. The opposite parties are directed to consider the case of the petitioner in the light of the judgment passed by the apex Court in the case of **Malaya Nanda Sethy** (supra) and pass appropriate order in accordance with law within a period of three months from the date of production of certified copy of this order.

Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE

(B. P. SATAPATHY)
JUDGE

Alok