

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) (OAC) No.4162 of 2016

Abhiram Mallik

....

Petitioner

-versus-

State of odisha & Others

....

Opp. Parties

COROM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

13.09.2022

Order No

1. 1. This matter is taken up through Hybrid Mode.
2. 2. Heard Mr. Biswal, learned counsel for the Petitioner and Mr. Balabantaray, learned standing counsel appearing for the Opp. Parties.
3. 3. The Petitioner is aggrieved by the rejection of his claim for his appointment under the provision of Rehabilitation Assistance Scheme vide Order dtd.08.04.2016 under Annexure-9.
4. 4. It is submitted that on the death of the employee the Petitioner as his son made relevant application for his appointment under the provision of the said scheme. But the same has been rejected by relying on the provision contained under Rule 2(b) of the OCS (R.A.) Rules, 1990. The ground on which the claim of the Petitioner has been rejected is no more res integra and it has been decided in a number of cases that rejection of claim for appointment on such ground cannot be made.
5. 5. Mr. Biswal, learned counsel for the Petitioner relied on a decision of this Court passed on 05.11.2020 in W.P.(C) No.22678 of 2020. In the said decision this Court while dealing with the

similar issue held that the rejection relying on the provision of Rule 2(b) is not permissible.

6. In view of such submission made and the grounds taken in the writ Petition as well as the decision relied on by Mr. Biswal, this Court has got no hesitation in quashing the order of rejection under Annexure-9. While quashing the same, this Court directs O.P. No. 2 to reconsider the matter in the light of the provision prevalent at the time of death of the deceased Govt. employee and pass appropriate order on the claim of the Petitioner within a period of two (2) months from the date of receipt of this order.

7. The writ Petition is disposed of accordingly.

Subrat



(Biraja Prasanna Satapathy)
Judge