

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.C(OAC) No.1378 of 2014

Jayaram Rout

....

Petitioner

Mr. S. Mohanty,
Advocate

-versus-

State of Odisha & others

....

Opposite Parties

Mr. R.N.Acharya,
Addl. Standing Counsel, SME

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

12.5.2022.

Order No.

05.

1. This matter is taken up through hybrid mode.
2. The Petitioner files rejoinder to the counter filed by Opposite Party no.3 after serving copy on the other side. The same be kept on record.
3. The Petitioner's claim for appointment under the Rehabilitation Assistance Scheme (for short "R.A. Scheme") being rejected by the appropriate authority, he approached the erstwhile Orissa Administrative Tribunal in O.A. No.1378(C)/2014, which has since been transferred to this Court and registered as the present Writ Petition.

4. The Petitioner's application for appointment under the R.A. Scheme was rejected by the Director, Elementary Education, Orissa vide order dated 4th November, 2013 wherein it was stated that the death of the Petitioner's father having occurred on 2nd November, 1982, he is not entitled to be considered under R.A. Scheme as per the provisions of OCS (R.A.) Rules, 1990. It is further stated that Government have decided that no case prior to the cut-off date i.e. 24th September, 1990 shall be reopened. It is the case of the Petitioner that at the time of death of his father he was aged about 9 years and, therefore, he could not have applied. It is his further case that even after attaining majority, which is in the year 1991 he could not apply because of pendency of a case filed by his mother claiming family pension and other benefits. It is contended that till the decision of the case filed by the Petitioner's mother, *Subarna Dibya v. State of Orissa and batch*, was decided, it was not clear whether the legal heirs of the deceased Primary School Teachers could be treated as Government servant so as to claim benefit under the R.A. Scheme. As such, he had a plausible reason for not applying earlier.

5. In course of hearing, it is submitted by Mr. Mohanty that the above aspects have not been raised by him before the competent authority and, therefore, he may be permitted to raise the same afresh.

6. Mr. R.N.Acharya fairly submits that it is always open to the Petitioner to approach the competent authority ventilating his grievances which are to be considered in accordance with law.

7. Considering the facts and circumstances and the submissions as above, the Writ Petition is disposed of granting liberty to the Petitioner to make a fresh representation to the competent authority (Opposite Party No.3) ventilating his grievance and by raising such grounds as are available in law within a period of two months. In the event such representation is filed, the same shall be considered by the competent authority and disposed of in accordance with law within a period of two months thereafter. The decision taken shall be communicated to the Petitioner within a period of 15 days thereafter.

AKB

(Sashikanta Mishra)
Judge