

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OA) No. 2798 of 2016

Hrushikesh Ghivela

.....

Petitioner

Mr. P.K. Mohapatra, Advocate

Vs.

State of Odisha and others

.....

Opposite Parties

Mr. J. Patnaik, G.A.

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

12.08.2022

Order No.

01.

This matter is taken up through hybrid mode.

2. Heard Mr. P.K. Mohapatra, learned Counsel for the Petitioner and Mr. J. Patnaik, learned Government Advocate for the State.

3. The petitioner has filed this Writ Petition seeking direction to the Opposite Parties to consider his case for appointment under R.A. Scheme and issue appointment order in his favour.

4. Mr. P.K. Mohapatra, learned Counsel for the Petitioner contended that the father of the Petitioner while working as Forest Guard under D.F.O., Khariar died on 23.09.2008. By the time of death of his father, the Petitioner was 13 years old. Therefore, he could not make application for his appointment as per OCS (RA) Rules, 1990 as he was a minor. On attaining the age of 18 years, the Petitioner submitted his application for appointment under OCS (RA) Rules, 1990. Accordingly his case was recommended for grant of appointment. But the Collector did not provide the distress certificate on the ground that there is delay in making the application. Learned Counsel for the Petitioner contended that if the Rule provides that on attaining the age of majority, legal representative of the deceased government employee can apply for Rehabilitation Appointment, there is no delay on the part of the Petitioner as because,

when he attained the age of 18 years, he applied in terms of the Rule.

5. Mr. J. Patnaik, learned Government Advocate contended that since the Petitioner submitted his application after long lapse of more than 5 years, the Collector has not issued any distress certificate in his favour.

6. Having heard learned Counsel for the parties and after going through the record, this Court is of the opinion that if the Petitioner has submitted application for appointment on attaining the age of majority in terms of the OCS (R.A.) Rules, 1990, the obligation casts on the authority to provide the required documents by issuing distress certificate, if he is otherwise eligible, so that the authority can consider his case for appointment. Needless to say that the case of the Petitioner has already been recommended by the employer for appointment under R.A. Scheme, however due to non supply of distress certificate by the Collector, the further proceeding could not have been taken in terms of OCS (R.A.) Rules, 1990.

7. In view of such position, this Court disposes of the Writ Petition directing the Collector & District Magistrate, Bolangir to issue necessary certificate in favour of the Petitioner by considering his representation under Annexure-12 as expeditiously as possible, so that recommendation made by the employer can be considered for appointment under R.A. Rules. The entire exercise shall be completed within a period of six weeks from the date of communication of the order.

8. Issue urgent certified copy as per rules.

(DR. B.R. SARANGI)
JUDGE