

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No. 1850 of 2017

Umakanta Seth

.....

Petitioner

Mr. B. Tripathy, Advocate

Vs.

State of Odisha and others

.....

Opposite parties

Mr. J.P. Patnaik, GA

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

01.12.2022

Order No.

04

This matter is taken up through hybrid mode.

2. Heard Mr. B. Tripathy, learned counsel for the petitioner and Mr. J.P. Patnaik, learned Government Advocate for the State.

3. The petitioner has filed this writ petition claiming for appointment under Rehabilitation Assistance Scheme on the ground of death of his father.

4. Mr. Tripathy, learned counsel for the petitioner contended that the petitioner being the elder son of the deceased employee and the entire family members depend upon him, therefore, the benefit of compassionate appointment should have been extended in his favour, as the petitioner's father died while he was under employment.

5. Mr. J. Patnaik, learned Government Advocate on instruction contended that after death of the father, the legal heir certificate was granted by the competent authority, where the name of the petitioner founds place at Sl. No.2. The petitioner's mother made a request under Annexure-6 dated 22.04.2013 intimating that in place of the deceased employment, the employment may be given to the petitioner. But the petitioner has made a representation under Annexure-7, where it has been candidly admitted that the petitioner's mother was working as Peon in Government Women's College and she was going to retire after six years. Since the health condition of her mother is not good to manage the family, he should have been given employment. In view of the

candid admission made by the petitioner, he is not entitled to get the benefit as claimed by him.

6. Having heard learned counsel for the parties and after going through the records, the petitioner's father who was working as driver in Mining Office, Balangir expired prematurely on 24.01.2012 during his treatment at Apollo Hospital, Bhubaneswar, leaving behind his legal representatives. Pursuant to the application made, legal heir certificate was issued by the competent authority on 19.03.2012 where the name of the petitioner finds place at Sl. No.2 After expiry of the earning member of the family, the father of the petitioner, the petitioner requested for grant of compassionate appointment by considering his candidature in accordance with law. Simultaneously, his mother, Lalita Seth also made a request on 22.04.2013 to give employment to the present petitioner in place of her husband. The petitioner had also made a similar request on 07.09.2015 that his mother is working as a Peon in Government Women's College and will be retire after six years and as such, her health condition is not good. To have a smooth management of their family members, the compassionate appointment should have been given to him. But fact remains since one of the family members, namely the mother of the petitioner was already working in the government college, the question of extending appointment under Rehabilitation Assistance is not admissible to any other members of the family, even though the petitioner's father died while in employment. As such the claim so made, cannot sustain in the eye of law. As a consequence thereof, the writ petition stands dismissed.

Arun

(DR. B.R. SARANGI, J.)