

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 29641 of 2022

Shri Manas Kumar Das

....

Petitioner

Mr. P.K. Rath, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. B.P. Tripathy, AGA

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

15.11.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard the learned counsel for the Petitioner as well as the learned Additional Government Advocate appearing for the State-Opposite Parties.
3. The present writ petition has been filed by the Petitioner with the following prayers:

“The petitioner, therefore, prays that your Lordships would be graciously pleased to admit this Writ Petition, call for the records and after hearing the parties allow the same, issue writ/writs in the nature of certiorari/mandamus and/or any other further writ/direction and quash the order dated 27.09.2022 passed by the Superintendent of Police, Cuttack/Opposite Party No.3 under Annexure-1 and direct the Opposite Parties to give compassionate appointment to the petitioner under Rehabilitation Assistance Scheme in terms of the provisions at Odisha Civil Service (Rehabilitation Assistance) Rule, 1990, with the amended Rules, 2016 within a stipulated period.”

4. It is submitted by learned counsel for the Petitioner that earlier he has approached the authority by filing representation under Annexure-12 relying upon the decision of the Hon'ble Supreme Court in the case of *Malaya Nanda Sethy vs. State of Orissa and others* (Civil Appeal No.4103 of 2022). However, it is further submitted that the representation of the Petitioner has been rejected by the Opposite Party No.3 vide his order dated 27.9.2022 under Annexure-1.

5. On perusal of the rejection order, it does not appear that the competent authority has taken into consideration the law laid down by the Supreme Court in the case of *Malaya Nanda Sethy* (supra).

6. In such view of the matter, the impugned order dated 27.09.2022 passed by the Opposite Party No.3 under Annexure-1 is hereby set aside. The matter is remitted back to the Opposite Party No.3 to consider the matter afresh taking into consideration the law laid down by the Supreme Court in the case of *Malaya Nanda Sethy* (supra) by passing a speaking and reasoned order within a period of eight weeks from the date of production of certified copy of this order.

7. With the aforesaid observation and directions, this writ petition stands disposed of.

(A.K. Mohapatra)
Judge