

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.30014 of 2022

Amit Kumar Naik

.... ***Petitioner***
Mr. S.B. Jena, Advocate

-versus-

State of Odisha and others

.... ***Opp. Parties***
Mr. P.K. Rout, A.G.A.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

01.12.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioner as well as learned counsel for the State. Perused the record.
3. The present writ petition has been filed by the petitioner with the following prayers:

“Under the aforesaid facts and circumstances of the case, it is therefore, prayed that this Hon’ble Court may graciously be pleased to issue a writ of mandamus or any other appropriate writ/writs by directing the Opp.Party No.3 to appoint the petitioner on compassionate ground i.e. as per Rehabilitation Assistance Rule, 1990 taking into consideration the letter dtd.24.3.2017 issued by the Opp.Party No.2 as his family members are continuing in distress condition after the death of deceased employee.

Or pass such other order/orders as this Hon’ble Court may deem fit and proper in the facts and circumstances of the case.

And allow this writ application with cost.”

4. It is submitted by learned counsel for the petitioner that the son of the deceased employee, who was working as Sevika in Ashram School died in harness on 20.01.2009 as a result of which the entire

family is facing financial crisis on getting family pension is not adequate. At that point of time, the petitioner was 15 years old and after taking majority on 12.02.2015, he has filed representation to the Opposite Party No.4. It is further submitted by learned counsel for the petitioner that the Rehabilitation Assistance Scheme, 1990 amended in the year 2016. The grievance of the petitioner has not been taken into consideration by the authorities.

5. It is further submitted by learned counsel for the petitioner that although the petitioner has filed representation dated 25.07.2021 under Annexure-9 before the Collector, Sundargarh-Opposite Party No.3, the same is still pending before the said Opposite Party and the said Opposite Party has not taken any decision as of now.

6. Learned counsel for the State, on the other hand, submits that the petitioner has filed his application in delay and he further submits that the same is filed almost after one year of death of the deceased and he further submits that he has no objection, if a direction is given to the authority to consider the grievance petition of the petitioner in accordance with law within a stipulated period of time.

7. Considering the submissions made by the respective parties, this Court disposes of the writ petition at the stage of admission without expressing any opinion on the merits of the case with a direction to the Collector, Sundargarh-Opposite Party No.3 to consider the representation of the Petitioner dated 25.07.2021 under Annexure-9 taking into account Annexure-8 in accordance with law within a period of three months from the date of production of certified copy of this order in the light of the judgment in the case of ***Malaya Nanda Sethy vrs. State of Orissa and others*** : reported in ***2022(II) OLR(SC)-1***. The Hon'ble Supreme Court in its judgment dated 20.05.2022 in Civil Appeal No. 4103 of 2022 (Arising out of

S.L.P.(Civil) No. 936/2022) disposed of the Civil Appeal as well as judgment of this Court in the case of ***Tapan Kumar Nayak vrs. State of Odisha and others*** : reported in ***2022(II) OLR 735***. Further, the Opposite Party No.3 is directed to consider the representation of the petitioner and dispose of the same by passing a speaking and reasoned order. Any decision so taken on the same shall be communicated to the petitioner within a period of two weeks thereafter.

8. With the aforesaid observation/direction, the writ petition is disposed of.

Urgent certified copy of this order be granted on proper application.

Jagabandhu

