

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) (OA) No.303 of 2017

Sujit Kumar Padhy

....

Petitioner

-versus-

State of Odisha & Others

....

Opposite Parties

COROM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

08.09.2022

Order No

3.

1. This matter is taken up through Hybrid Mode.

2. Heard learned counsel for Petitioner and learned counsel appearing for the State- Opposite Parties.

3. The present Writ Petition has been filed with the following prayer:-

“ (i) The Hon’ble Tribunal graciously be pleased to direct the Respondents in general and Respondent No.5 in particular to issue distress certificate in favour of the applicant for appointment under R.A. Scheme as per OCS (Rehabilitation Assistant, 1990).

(ii) Further be pleased to direct the Respondents in general and Respondent No.3 in particular to appointment order to the applicants with retrospective effect and with all service and financial benefits.

(iii) Further be pleased to pass any other order () / direction () as deems fit and proper in the facts and circumstances of the case.

(iv) For this act of kindness, the applicant as in duty bound, shall ever pray”.

4. Learned counsel for the Petitioner submitted that after receipt of the application for his appointment under the provision of Rehabilitation Assistance Scheme, the Opposite

Parties though forwarded the application to the Collector & District Magistrate, Jagatsinghpur for issuance of distress certificate, but due to non-issuance of the same, the Opposite Party No.4 is not in a position to consider the case of the Petitioner for his appointment under the provision of Rehabilitation Assistance Scheme.

5. Counter affidavit has been filed by Opposite Party No.4, wherein it has also been admitted that due to non-issuance of the distress certificate by the Collector & District Magistrate, Jagatsinghpur-Opposite Party No.5, the Opposite Party No.4 is unable to process with the claim of the Petitioner.

6. In view of such stand taken by the learned counsel appearing for the Opposite Parties, this Court while disposing the Writ Petition directs the Opposite Party No.5 to take effective steps for issuance of distress certificate within a period of one month from the date of receipt of this order. However, it is further observed that on receipt of the distress certificate, the Opposite Party No.3 shall take a final decision on the claim of the Petitioner for his appointment under the provisions of Rehabilitation Assistance Scheme within a further period of two months.

7. Accordingly, the Writ Petition is disposed of.

(Biraja Prasanna Satapathy)
Judge