

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.30034 of 2022

Sandeep Kumar Pattnaik **Petitioner**
Mr. Manoranjan Mishra, 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:

“It is therefore prayed that your Lordships be graciously pleased to admit writ petition and issue notice to the respondents to file show cause as to

- a) Why the letter dt.12.06.20 vide Annexure-5 issued by the op no 4 will not be declared illegal and the same be quashed and
- b) Why they will not be directed to consider the case of the petitioner for providing him an employment on compassionate ground under the Rehabilitation Assistance within a stipulated period.

And if the opposite parties do not show cause then the rule be made absolute by issuing appropriate order/direction to the opposite parties and any other order as deem fit be passed.”

4. It is submitted by learned counsel for the petitioner that the son

of the deceased employee, who was working as Havildar in Police Department died in harness on 24.09.2017 as a result of which the entire family is facing financial crisis and further grant of family pension alone is not adequate. 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 and the same is pending as of now.

5. It is further submitted by learned counsel for the petitioner that although the petitioner has filed application under Annexure-3 before the Superintendent of Police, Cuttack-Opposite Party No.4, the same is still pending before the said Opposite Party and the Opposite Party No.4 has not taken any decision as of now.

6. Learned counsel for the State, on the other hand, submits that the petitioner has approached the authorities by filing an application 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 learned counsel for the respective parties, this Court is of the considered view that the case of the petitioner was not considered by the authorities as per the prevalent policy since the petitioner has made application in the year 2018 so his case should be considered as per 1990 Scheme and not 2020 Scheme. In such view of matter, the impugned order dated 12.06.2020 under Annexure-5 is hereby set aside. It is further directed that Opposite Parties shall grant similar benefits to the petitioner as has been done in the case of similarly situated persons as per the law laid down 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 case 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. Judgment

(***A.K. Mohapatra***)
Judge

Jagabandhu

