

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No.4012 of 2013

Mukesh Kumar Baitharu **Petitioner**

Mr. P.K. Behara, Advocate

-versus-

State of Odisha & others **Opp.Parties**

Mr. R.N. Mishra, AGA

**CORAM:
JUSTICE M.S.SAHOO**

**ORDER
07.03.2022**

Order No.

1. This matter is taken up through hybrid mode.

The writ petition has been renumbered and registered before this Court on 06.12.2021 after being transferred, upon abolition of State Administrative Tribunal, Cuttack.

On perusal of the available order-sheet of the learned Tribunal, it is found that the matter was never listed after 14.02.2014.

The original application was filed in the year 2013 seeking a direction to the authority to give Rehabilitation Assistance Appointment in place of his father, who had died while in service working as a driver in the Job Contract Establishment on 05.03.2008.

Learned counsel for the petitioner submits that he has no up-to-date instruction to pursue the matter at present.

Learned Addl. Government Advocate relying on the counter filed before the learned Tribunal submits that the ad hoc employees are not covered under the Rehabilitation Assistance Rule as applicable to the employees under the

State. It is further submitted that the deceased-employee had passed away in the year 2008 and after a long lapse of 14 years, nothing would survive to consider any of the legal heirs of Rehabilitation Assistance Appointment.

Learned counsel for the petitioner submits that he may be permitted to pursue the remedy as available under law before the authority and the writ petition may be disposed of.

Accordingly, the writ petition is disposed of granting liberty to the petitioner, as prayed for.

It is clarified that this Court has not expressed any opinion on the merits of the case in any manner whatsoever.

(M.S.Sahoo)
Judge