

IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.C(OAC) No.1325 of 2017

Rajanikanta Pani

....

Petitioner

-versus-

State of Odisha & Others

....

Opposite Parties

COROM:
JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER
20.9.2022

Order No

- 1.** 1. This matter is taken up through Hybrid Mode.
- 2.** Heard Mr. U.C. Mohanty, learned counsel for the Petitioner and Mr B. Panigrahi, learned A.S.C.
- 3.** The petitioner is aggrieved by the office order dated 15.4.2017 passed by the Government-Opp. Party No.1 under Annexure-12. It is submitted that after the death of the father of the petitioner, the petitioner made her application for his appointment under the provisions of Rehabilitation Assistance Scheme. Mr. Mohanty, learned counsel for the petitioner submitted that when initially vide order dated 19.5.2016, the claim of the petitioner was rejected, the petitioner challenging the same approached the learned Tribunal in O.A. No.3999(C) of 2016. It is submitted that learned Tribunal vide its order dated 16.1.2017 was pleased to quash the said order and directed opp. party No.1 to reconsider the case of the petitioner for his absorption as against Class-III post available at Nuagaon PHC or Mandasahi P.H.C or any other Class-III post lying vacant in different districts reflected in the communication dated 20.11.2015 under Annexure-8 of the

O.A. Mr. Mohanty, learned counsel for the petitioner submitted that in spite of availability of vacancy and without considering the stand taken by the CDMO, Jagatsinghpur, that no Group-C post is vacant and only Group-D post is lying vacant as against which the petitioner can be appointed, the claim of the petitioner was rejected.

4. Even though notice of the writ petition was issued on 17.5.2017, no counter affidavit has been filed by the State Government.

5. This Court after going through the materials available on record finds that the claim of the petitioner for his appointment under the provisions under the Rehabilitation Assistance Scheme has been approved by the Government- Opp. Party No.1 against any vacant Group-C and D post vide letter No.1314 dated 1.5.2013. Mr. Mohanty, learned counsel for the petitioner submitted that at present there are vacancies in the Group-C post in the establishment of Opp. Party No.5.

6. Mr. B. Panigrahi, learned A.S.C on the other hand submitted that if the petitioner is ready and willing to accept the Group-D post, the same can be considered by Opp. party No.5.

7. Taking into account the grounds taken in the Writ Petition and the submissions made by the learned counsel appearing for the parties, this Court while disposing the Writ Petition directs Opp. party No.5 to provide

appointment to the petitioner as against Group-C post (if vacancy is available at present) or as against a Group-D post. The said exercise shall be completed with issuance of order of appointment in favour of the petitioner within a period of one month from the date of receipt of this order.

8. The Writ Petition is accordingly disposed of.

(Biraja Prasanna Satapathy)
Judge

sangita

