

IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC No. 7279 of 2021

Rakesh Rout

.....

Petitioner

Mr. S. Mallick, Advocate

Vs.

***G.V. Venugopal Sharma,
Member Board of Revenue,
Orissa***

.....

Opposite party

State counsel

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

03.03.2022

Order No.

02

This matter is taken up through hybrid mode.

2. This contempt petition has been filed alleging therein that in violation of the order dated 29.07.2021 passed in W.P.(C) No. 1872 of 2021, the contemnor opposite party has passed the order dated 11.11.2021 under Annexure-2, showing the same to have been passed in compliance of the order of this Court.
3. Learned counsel for the petitioner has filed an affidavit dated 06.02.2022 enclosing therewith the office order dated 01.01.2021 and contended that the said order had been quashed by this Court, vide order dated 29.07.2021 in W.P.(C) No. 1872 of 2021, and direction was issued to the contemnor opposite party to consider the case of the petitioner in terms of the provisions of Orissa Civil Service (Rehabilitation Assistance) Rules, 1990 read with the amended Rules, 2016. However, the contemnor opposite party without complying the said direction, has passed an order on 11.11.2021 vide Annexure-2, by reiterating the stand taken in the

earlier order dated 01.01.2021.

4. Considering the submission made by learned counsel for the parties and after going through the record, this Court sets aside the order dated 11.11.2021 under Annexure-2 and directs the contemnor opposite party to take a decision with regard to the appointment of the petitioner under Rehabilitation Assistance Scheme in terms of the provisions of Orissa Civil Service (Rehabilitation Assistance) Rules, 1990 read with the amended Rules, 2016, keeping in view the law settled by the apex Court in the case of *State of Madhya Pradesh and others Vs. Ashish Awasthi*, 2021(II) OLR (SC) 1072, within a period of four weeks from the date of communication of this order.

5. The contempt petition is accordingly disposed of.

6. Issue urgent certified copy as per rules.

Alok

(DR. B.R. SARANGI, J.)

