

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.34356 of 2022

Gitanjali Mohanty and another ***Petitioners***
Mr. D. Mohapatra, Advocate
-versus-

State of Odisha and others ***Opposite Parties***
Mr. T.K. Pattnaik, ASC

CORAM:
JUSTICE A.K. MOHAPATRA

ORDER
22.12.2022

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 Additional Standing Counsel appearing for the State-Opposite Parties. Perused the writ petition and the documents annexed thereto.
3. The present writ petition has been filed by the Petitioner with the following prayers:-

“It is therefore prayed under the facts and circumstances of the case narrated above Your Lordship would be graciously be pleased to admit this writ petition.

And further be pleased to direct the Opp. Party No.1 to 4 for appointment of the petitioner No.02 under the provision of Odisha Civil Services (Rehabilitation Assistance) Rules, 1990 within a short period.

And pass necessary writ(s) / order(s) / direction(s) as it deem fit and proper in the interest of justice.”

4. It is submitted by learned counsel for the Petitioner that the

father of the Petitioner, namely, Bira Kishore Mohanty while working as Surveyor, i.e., Government service in the office of Assistant Agriculture Engineer, Command Area Development, Kendrapara died on 23.10.2015. Thereafter, the Petitioner has submitted an application for appointment on compassionate ground on 29.9.2016. It is further submitted that the said application is pending for consideration by the authorities, although several years have been passed in the meantime no decision has been taken on the same.

5. Learned Additional Standing Counsel appearing for the State- Opposite Parties, on the other hand, submits that he has no objection, if a direction is given to the authority concerned to consider the application of the Petitioner in accordance with law within a stipulated period of time.

6. Considering the submissions made by the respective parties, this Court disposes of the writ petition at the stage of admission with a direction to the Opposite Party No.2 to consider the application of the Petitioner under Annexure-4 Series and dispose of the same expeditiously, preferably within a period of three months from the date of production of certified copy of this order. Further, it is directed that while considering the application of the Petitioner, the Opposite Party No.2 shall take into consideration the law laid down by the Supreme Court in the cases of *Indian Bank vs. Promila*, reported in (2020) 2 SCC 729; *State of Madhya Pradesh vs. Amit Shrivastava*, reported in (2020) 10 SCC 496; *The Secretary to Govt., Department of Education (Primary) & Ors. vs. Bheemesh Alias Bheemappa* (Civil Appeal No.7722 of 2021); *State of Madhya Pradesh vs. Ashish Awasthi*, reported in 2021(II) OLR (SC) 1072; and *Malaya Nanda Sethy vs. State of Orissa and others* (Civil Appeal No.4103 of

2022) as well as the Odisha Civil Service (Rehabilitation Assistance Scheme), Rules, 1990. It is needless to mention here that the application of the Petitioner shall be considered and disposed of by passing a speaking and reasoned order. Any decision so taken on the said representation shall be communicated to the Petitioner within a period of two weeks thereafter.

7. Urgent certified copy of this order be granted on proper application.

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

Debasis

