IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.21006 of 2024
CNR No.ODHC010599522024

Sesadeb Panda .... ***Petitioner***

Mr. B. Sahoo, Advocate

-versus-

State of Odisha and Others .... ***Opposite Parties***

Mr. C.K. Pradhan, AGA

CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER
30.10.2026

Order No.

02. **1.** This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard learned counsel for the parties.

3. The present Writ Petition has been filed *inter alia* with the following prayer:-

> *"The petitioner, therefore prayed that the Hon'ble Court would graciously be pleased to issue Rule NISI calling upon the opposite parties to show cause as to why the Collectorate Office Letter N0.497/BBE dtd.22.01.2016 rejecting the R.A. Case of the petitioner as reflected in the letter of the Collector & District Magistrate, Ganjam, Chhatrapur bearing No.577/BBE dtd.29.0I.20I6 under Annexure-10 shall not be quashed and as to why they shall not be directed to reconsider the R.A. Case of the petitioner in proper perspective and give him appointment under Rehabilitation Assistance Scheme within a specified period;*
>
> *And if the opposite parties fail to show cause or show insufficient cause, the said Rule be made absolute;*
>
> *And/or pass any other writ/writs, order/orders as this Hon'ble Court deems fit and proper in the facts and circumstances of the case."*

4. It is contended that on the death of his father, petitioner made the application to get the benefit of appointment under the Rehabilitation Assistance Scheme under Annexure-4. Thereafter, petitioner vide letter dated 16.10.2012 under Annexure-7 was requested to make an application before the Appointing Authority who happens to be the Tahasildar, Chikiti-O.P. No.3.

4.1. It is contended that thereafter vide letter dated 24.01.2013 under Annexure-8, petitioner was requested to comply certain directions which were also complied by the petitioner vide Annexure-9. However, thereafter only on the ground that the annual income of the family since is found at Rs.3,07,704/- which exceeds ceiling limit of Rs.72,000/- so fixed by the Govt. at the relevant point of time, petitioner's application was not entertained and rejected.

4.2. Learned counsel for the petitioner contended that such a figure was indicated showing the annual income of the family at Rs.3,07,704/-, without proper appreciation and that also includes the family pension received by the petitioner's mother on the death of the deceased employee. It is accordingly contended that since without proper appreciation, Tahasildar-Chikiti-O.P. No.3 take the annual income of the family at

Rs.3,07,704/-, Annexure-10 was issued by the office of Deputy Collector (Establishment), Ganjam rejecting the application of the petitioner. It is also contended that such a calculation of the annual income by including the family pension is contrary to the guideline issued by the G.A. Department under Annexure-12.

4.3. It is accordingly contended that since without any reason and basis and without proper appreciation of Annexure-12, Tahasildar, Chikiti intimated the annual income of the family at Rs.3,07,704/- and basing on the same, petitioner's application was rejected vide the impugned communication dated 29.01.2016 under Annexure-10, the same is liable to be interfered with by this Court.

5. From the instruction so provided by Opp. Party No.3, nothing has been indicated as to the basis fors calculating the annual income of the family at Rs.3,07,704/- at the relevant point of time. As found Opp. Party No.3 vide his letter dated 22.01.2016, held the annual income of the family at Rs.3,07,704/-.

6. Having heard learned counsel appearing for the parties, considering the submission made and in view of such illegality or irregularity with regard to assessment of the annual income of the family by the Opp. Party No.3, since petitioner's claim has been

rejected vide the impugned order dated 29.01.2016 under Annexure-10, this Court is inclined to quash the same and quash the same accordingly.

6.1. While quashing the same, this Court directs Opp. Party No.3 to submit a fresh report to the Collector, Ganjam-O.P. No.2, showing the annual income of the family in the year 2016 and by giving an opportunity of hearing to the petitioner.

6.2. While taking such a decision, relevancy and effect of the guideline issued by the G.A. Department on 13.01.2009 so enclosed as Annexure-12 to the Writ Petition be taken into consideration. Opp. Party No.3 is directed to do the needful within a period of 6(six) weeks from the date of receipt of this order. Petitioner is permitted to provide a copy of this order along with Annexure-12 before Opp. Party No.3 for compliance.

6.3. It is further observed that if on verification, it will be found that the annual income of the family is within the ceiling limit so fixed at the relevant point of time, petitioner's claim be re-considered and a fresh decision be taken as expeditiously as possible preferably within a period of 2(two) months from the date of receipt of such report from the Tahasildar.

7. With the aforesaid observation and direction, the Writ Petition stands disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge

Basudev

Signature Not Verified
Digitally Signed
Signed by: BASUDEV SWAIN
Designation: SENIOR STENOGRAPHER
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 02-Nov-2026 10:33:23