



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. NO.1524 OF 2023

State of Odisha and others *Appellants*
Mr. S.B. Panda, AGA
-versus-
Amlan Jyoti Pradhan *Respondent*
Mr. S. Behera, Advocate

CORAM:
JUSTICE DIXIT KRISHNA SHRIPAD
JUSTICE MRUGANKA SEKHAR SAHOO

ORDER
25.07.2025

Order No.

- 01.** 1. This matter is taken up through hybrid mode.
2. The subject matter of this State Appeal is substantially similar to one in W.P.(C) No.15193 of 2022 disposed of by us vide order dated 23.06.2025, the operative part of the order in cognate matter reads as under:

“4. Be the above orders as they are. Both the sides in all fairness submit that now vide notification dated 4th April, 2025 a suitable amendment is effected to the provisions of Rule 2 to Odisha Civil Services (Rehabilitation Assistance) Rules, 2020. The amended provision to Rule 6 of the said Rules has the following text :

“2. In the Odisha Civil Services (Rehabilitation Assistance) Rules, 2020 (hereinafter referred to as the “said rules”), in rule 6,—

(i) for sub-rule (9), the following sub-rule shall be substituted, namely :—



"(9) (a) All pending applications, relating to death of Government employee prior to the date of commencement of the Odisha Civil Services (Rehabilitation Assistance) Rules, 2020 shall be dealt in accordance with the rules prevailing on the date of death of Government employee for appointment under Rehabilitation Assistance Scheme:

Provided that in case the death of Government employee occurred on or after commencement of the Odisha Civil Service (Rehabilitation Assistance)Amendment Rules, 2016 and before commencement of the Odisha Civil Services (Rehabilitation Assistance) Rules, 2020, shall be governed by the provisions of the Odisha Civil Service (Rehabilitation Assistance) Rules, 1990."

5. Learned counsel appearing for the petitioner submits and we agree that his clients will be satisfied if their case is considered under the new legal regime as reflected in the subject notification. Learned Additional Government Advocate too agrees that the case of petitioners shall be considered under the amended Rules within an outer limit of three months. Both the sides agree that all contentions need to be kept open for being treated by the competent authority under the amended provisions of the subject extant rules. This is fair. It hardly needs to be stated that since the case would be considered afresh, all records that effected rejection of claim of the petitioners are hereby voided.

6. In view of the above, petition is disposed of. We make it clear that in the event matter is not decided as undertaken before us within the specified period, the competent authority who has to take the decision shall pay ₹1,000/- to each of the petitioners for delay per day for the first month and ₹2,000/- for the period of next following."

3. Learned counsel appearing for the parties submit and we agree that like cases should be decided alike subject to all just exceptions into categorically argued case at the Bar does not fit.



In the above circumstances, this appeal is also disposed of in terms of the cognate matter.

(Dixit Krishna Shripad)
Judge

(Mruganka Sekhar Sahoo)
Judge

Madhusmita

Signature Not Verified

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