



**IN THE HIGH COURT OF ORISSA AT CUTTACK**  
**WP(C) No.31637 of 2024**

***Lokanath Behera***

.....

***Petitioner***

Represented By Adv. –  
Mr. Krishna Chandra  
Sahu

-versus-

***State Of Odisha and others***

.....

***Opposite Parties***

Represented By Adv. –  
Mr. S.K. Brahma, ASC

**CORAM:**  
**THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA**

**ORDER**  
**01.05.2025**

**Order No.**

03.        1.     This matter is taken up through Hybrid mode.
2.     Heard learned counsel appearing for the Petitioner as well as learned Additional Standing Counsel appearing for the State-Opposite Parties. Perused the writ petition as well as the documents annexed thereto.
3.     The present writ petition has been filed by the Petitioner with the following prayers:-

*“It is, therefore, prayed that Hon’ble Court be graciously pleased to allow this writ petition by quashing the impugned orders of rejection dtd. 24.11.2023 under Annexure-15 and order dtd. 07.11.2024 under Annexure-16 by further directing the Opp. parties for providing order of appointment in favour of the petitioner under R.A Scheme as per the provisions of OCS (R.A) Rules 1990 prevailing on the date of death of his father within a time bound period*



*for the interest of justice.*

*And may further be pleased to pass any other order(s), direction(s) as deems fit & proper for the bona fide interest of justice.”*

4. It is stated by the learned counsel for the Petitioner that being aggrieved by the order of rejection dated 22.11.2023 under Annexure-15, which was communicated to the Petitioner vide letter dated 07.11.2024 under Annexure-16 to the writ petition, whereby the Petitioner's application for appointment on compassionate ground was rejected, the Petitioner has approached this Court by filing the present writ petition.

5. Learned counsel for the Petitioner, at the outset, contended that the father of the Petitioner, who was working as a Khalasi under the Opposite Party No.4, died in harness on 10.02.2014 leaving behind his legal heirs including the present Petitioner. After the death of the father of the Petitioner, the Petitioner submitted an application for appointment on compassionate ground on 13.07.2016 along with requisite documents. He further contended that initially the application of the Petitioner was rejected by the Opposite Parties. Being aggrieved by such conduct, the Petitioner had approached the O.A.T. by filing O.A. No.2213(C)/2017. Consequent upon abolition of the Tribunal, the above noted O.A. was transferred to this Court and was renumbered as W.P.C(OAC) No.2213 of 2017. A coordinate Bench of this Court vide order dated 06.09.2022 disposed of the above noted writ petition with a direction to the Opposite Parties to consider the case of the Petitioner in the light of the direction issued in W.P.(C) No.18981 of 2016.



6. Learned counsel for the Petitioner further contended that after disposal of the previous writ petition, the Petitioner again approached the Opposite Parties. However, the application of the Petitioner was again rejected vide order dated 07.07.2023 by applying the O.C.S. (R.A.) Rules, 2020. Again, being aggrieved by the rejection order dated 07.07.2023, the Petitioner approached this Court by filing the W.P.(C) No.23467 of 2023. The second writ petition was disposed of vide order dated 03.08.2023 by remitting the matter back to the Opposite Party No.2 to consider the case of the Petitioner afresh in light of the judgment of the Hon'ble Supreme Court in ***Malaya Nanda Sethi vs. State of Odisha, reported in 2022 (II) OLR (SC) 1.***

7. Learned counsel for the Petitioner further submitted that after disposal of the second writ petition vide order dated 03.08.2023, the Petitioner again approached the Opposite Party No.2 for his appointment on compassionate ground. The Opposite Party No.2 vide order dated 22.11.2023 again rejected the application of the Petitioner for appointment on compassionate ground by applying the O.C.S. (R.A.) Rules, 2020.

8. On perusal of the impugned rejection order under Annexure-15 to the writ petition, it is observed that the Opposite Party No.2 has again rejected the application of the Petitioner under the O.C.S. (R.A.) Rules, 2020 and while rejecting such application, the Opposite Party No.2 has categorically held that the claim of the Petitioner for appointment under the R.A. Scheme as per the O.C.S. (R.A.) Rules, 1990 cannot be considered by violating the existing policy of the Government. Being aggrieved by such decision of the Opposite



Parties, the Petitioner has approached this Court by filing the present writ petition.

9. Learned counsel for the State, on the other hand, contended that a counter affidavit has been filed by the Opposite Party No.4. Further, referring to the counter affidavit filed by the Opposite Party No.4, learned counsel for the State contended that the Opposite Parties have not committed any illegality in rejecting the application of the Petitioner.

10. On a careful scrutiny of the counter affidavit filed by the Opposite Party No.4, this Court is of the view that although a detailed counter affidavit has been filed, however a sum and substance of such counter affidavit is that the Petitioner's case is covered under the O.C.S. (R.A.) Rules, 2020 in view of certain judgments of the Hon'ble Supreme Court, which has been referred to in the counter affidavit. On such ground, learned counsel for the State submitted that the Opposite Parties have not committed any illegality in rejecting the application of the Petitioner by virtue of the impugned rejection order under Annexure-15 to the writ petition communicated to the Petitioner under Annexure-16 to the writ petition.

11. Having heard the learned counsels appearing for the respective parties and on a careful examination of the factual background of the present writ petition, further on a close scrutiny of the pleadings of the respective parties as well as the documents annexed thereto, this Court observes that the factual aspect of the matter is not disputed by either side. Further, it is also not disputed that the father of the Petitioner, while working as a Khalasi under the Opposite Party No.4,



died in harness on 10.02.2014 and thereafter the Petitioner submitted his application for appointment on compassionate ground on 13.07.2016. Therefore, there is no doubt that the death of the deceased Government employee had occurred and the application for appointment on compassionate ground was submitted prior to the date when the 2020 Rules came into force.

12. In view of the judgment of the Hon'ble Supreme Court as well as this Court, the State Government has in the meantime amended the O.C.S. (R.A.) Rules, 2020 by virtue of the Notification dated 04.04.2025 of the G.A.&P.G. Department. On a careful scrutiny of the Notification dated 04.04.2025 of the G.A.&P.G. Department, it appears that all the deaths of the Government employees as well as the applications for compassionate appointment filed prior to the date when the 2020 Rules came into force shall be considered under the O.C.S. (R.A.) Rules, 1990. In such view of the matter, there is no dispute with regard to the applicability of the rule to the facts of the present case. Accordingly, this Court holds that the application of the Petitioner is to be considered by applying the O.C.S. (R.A.) Rules, 1990. Accordingly, it is also held that the impugned rejection order under Annexure-15 dated 22.11.2023 which was communicated to the Petitioner vide letter dated 07.11.2024 under Annexure-16 is unsustainable in law and, accordingly, the same is hereby quashed. Further, the matter is remanded back to the Opposite Party No.2 to reconsider the case of the Petitioner for appointment on compassionate ground strictly by applying the O.C.S. (R.A.) Rules, 1990 and in terms of the Notification dated 04.04.2025 of the G.A.&P.G. Department, Government of Odisha, within three months from the date of



communication of a certified copy of this order. The final decision so taken be communicated to the Petitioner within ten days thereafter.

13. With the aforesaid observation and direction, the writ petition stands disposed of.

**( Aditya Kumar Mohapatra )**  
**Judge**

*Debasis*

**Signature Not Verified**

Digitally Signed  
Signed by: DEBASIS AECH  
Reason: Authentication  
Location: ORISSA HIGH COURT  
Date: 05-May-2025 13:49:49

