



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.33355 of 2026

CNR No. ODHC010798612026

Sagar Bhoi

....

Petitioner

Mr. S. Roy, Adv

-versus-

State of Odisha & Another

....

Opposite Parties

Mr. S.P. Das, ASC

Mr. P. Behera, Adv.

on behalf of Mr D. Nayak, Adv.

(for O.P. No.2)

CORAM:

THE HON'BLE MR.JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

16.10.2026

Order No.

1. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard learned counsel appearing for the parties.
3. The present Writ Petition has been filed inter alia with the following prayer:

It is therefore prayed that this Hon'ble Court may graciously be pleased to admit the writ petition and issue Rule "NISI" to the Opp. Parties to show cause as to;

(i) Why the action of the Opposite Parties in not providing compassionate appointment under the Rehabilitation Assistance petitioner in the facts and circumstances of the case will not be declared as illegal; and

(ii) Why the Opposite Party No. 2 will not be directed to consider the application of the petitioner afresh in terms of the provisions contained under the OCS (RA) Rules, 2026, and



thereby providing appointment to the petitioner within a stipulated time;

And if the Opposite Parties do not show cause, then the Rule be made absolute by issuing appropriate writ/writs and any other order as deem fit be passed;

And for this act of kindness, the petitioner shall as in duty bound ever pray.

4. It is contended that on the death of the deceased employee on 04.03.2022, Petitioner made the application to get the benefit of appointment under the Rehabilitation Appointment Scheme. However, when no decision was taken, Petitioner raised a claim by making a grievance on 19.01.2023 under Annexure-4. It is contended that in the said grievance, Petitioner clearly indicated that the application to get the benefit was submitted before Opp. Party No.2. It is further contended that even though such an application is pending from the year 2023, but till date, no decision has been taken on the Petitioner's claim.

4.1. It is further contended that in view of the recent amendment to the Rules with notification of OCS (RA) Rules, 2026, Petitioner's claim is required to be considered in terms of the said 2026 Rules. Learned counsel appearing for the Petitioner contended that Opp. party No.2 be directed to take a decision on the Petitioner's claim to get the benefit of appointment under the Rehabilitation Assistance Scheme in terms of the provisions contained under OCS (R.A.) Rules, 2026.



5. Mr. P. Behera, learned counsel appearing on behalf of Mr. D. Nayak, learned counsel appearing for the Kataka Municipal Corporation also fairly contended that Petitioner's application will be considered in terms of the notification issued on dtd.18.08.2026 under Annexure-5.

6. Having heard learned counsel appearing for the parties and considering the submission made, this Court while disposing the Writ Petition directs Opp party No.2 to take a lawful decision on the Petitioner's claim to get the benefit of appointment under the Rehabilitation Assistance Scheme, following OCS (R.A.) Rules, 2026. Let such a decision be taken within a period of 2(two) months from the date of receipt of this order with due communication to the Petitioner.

7. The Writ Petition accordingly stands disposed of.

(Biraja Prasanna Satapathy)
Judge

sangita

Signature Not Verified

Digitally Signed
Signed by: SANGITA PATRA
Reason: authentication of order
Location: high court of orissa, cuttack
Date: 16-Oct-2026 18:06:53

