



IMMEDIATE

FAX MESSAGE

OFFICE OF THE ADVOCATE GENERAL : ODISHA: CUTTACK

NO. 29494 /DTD. 26.06.2014.

To

2716

Immediate

1) The Principal Secretary to Govt.,
Forest & Environment Department,
Secretariat Building, Bhubaneswar,
Dist. Khurda.

Fax No.0674-2395820

2) The Special Secretary to Govt.,
General Administration Department,
Secretariat Building, Bhubaneswar,
Dist. Khurda.

Fax No.0674-2536660

SC

Sub: W.P(C)No. 1713 of 2008 between Duryadhan Mohapatra-Vrs-State of Odisha and others.

Ref: This office Fax message No.10843(2) dtd.20.03.2012 and 34548(2) dtd.28.07.2012.

Sir,

In the aforementioned writ petition a counter affidavit has been filed on behalf of the Opp.Party No.1 dtd.10.08.2012 and the affidavit has been sworn by Sri Sukanta Kumar Mishra, Under Secretary to Govt. in Forest & Environment Department

The case was listed before the Hon'ble Dr. Justice B.R.Saranghi on 23.06.2014 and during the course of hearing the Hon'ble Court perused the ban for recruitment including N.M.R. dtd.8.4.1994 which is annexed as Annexure-A/1 to the Counter Affidavit and also the Circular of the General Administration dtd.21.06.2007 regarding appointment under Rehabilitation Assistance Scheme vide Annexure-8 to the writ petition.

After hearing the parties the Hon'ble Court directed the State Counsel to obtain instructions as to whether the circular dtd.21.6.2007 under Annexure-8 is applicable to the present case or circular under Annexure-A/1 dtd.8.4.1994 is applicable. The copy of order dtd.23.06.2014 is enclosed herewith for your reference. The case will be listed after two weeks as directed.

Therefore you are requested to depute a competent officer to this office along with above information by 4.7.2014 positively.

This may be treated as **MOST URGENT**.

Thanking you,

Yours sincerely,

Encl: As above.

(Signature)
25/6/14

(A.K. MISHRA)

Addl. Govt. Advocate

In the High Court, Cuttack

WPC NO.1713 of 2008

Dr. B.R. Sarangi
vs.
The Principal Secretary to Govt

19. 23.06.2014

Heard Mr.D.Lenka, learned counsel for the petitioner, Mr.A.K.Mishra, learned Addl.Govt. Advocate for the State and Mr.S.K.Pattnaik, learned Sr.Counsel appearing for opposite party no.3.

Mr.A.K.Mishra, learned Addl.Govt. Advocate for the State referring to Annexure-A/1 dated 8.4.1994 states that there is ban for recruitment including N.M.R. and for enforcing economy measures in public sector undertakings, no engagement can be given under the Rehabilitation Assistance scheme formulated by the Government.

Mr.D.Lenka, learned counsel for the petitioner brings to the notice of the Court that the said circular is contrary to Annexure-8 dated 21st June, 2007 wherein the Government as a matter of policy decision decides that the appointment under Rehabilitation Assistance Scheme has been made against Group-C or Group-D post carrying a regular scale of pay as provided under the Rules.

Let Mr.A.K.Mishra, learned Addl.Govt. Advocate for the State obtain instruction whether the circular under Annexure-8 dated 21.6.2007 is applicable to the present case or the Circular under Annexure-A/1 dated 8.4.1994 is applicable.

Call this matter two weeks after.

Let a free copy of this order be handed over to Mr.A.K.Mishra, learned Addl.Govt. Advocate for the State for compliance.

.....
39/.Dr. B.R. Sarangi, J.

PKSahoo

*True copy
with
04.6.14
(Signature)*