

Government of Odisha
General Administration and Public Grievance Department

No. GAD-SC-RAS-0006-2023 - 3242 /Gen., Bhubaneswar, dated 07-Feb-2023

To,

Odisha State employees Rehabilitation aspirant's association (OSERAA),

Quarter-No-F-14/1, Unit-9 (Flat);

Post- Bhoinagar, BBSR, 751022.

Sub:- Memorandum on solution of urgent problems of Aspirants for their appointment under Rehabilitance Assistance Scheme.

Ref:- Representation dated 67 22.11.2022 of Odisha State employees Rehabilitation aspirant's association (OSERAA) at) and Representation dated 10.01.2023 of Odisha State employees Rehabilitation aspirant's association (OSERAA) to the Hon'ble CM .

In inviting reference to Memorandum No. 51 /OSERAA, dated 22.11.2022 and Memorandum No. 67/OSERAA, dated 09.01.2023 of OSERAA addressed to the Hon'ble Chief Minister, Odisha , the undersigned is directed to say that , the provisions of Rule - 2 (1) and Rule -6 (9) of the OCS (RA) Rules, 2020 extracted below have prospective effect.

1 (2) They shall come into force on the date of their publication in the Odisha Gazette.

6 (9) All pending cases as on the date of publication of these rules in the Odisha Gazette shall be dealt in accordance with the provision of these rules

o/c
The determinant factor for giving appointment under the RA Rules is the provisions of Rules, which are in vogue at the time of giving actual appointment under the RA Rules. As such, there is no inconsistency in the provisions made u/r- 6 (9) of the OCS (RA) Rules, 2020 which speaks that all pending cases as on the date of publication of these rules in the Odisha Gazette shall be dealt in accordance with the provision of these rules. Earlier, being referred to, the Law Department have offered the views that the Hon'ble Supreme Court in N.C. Santosh is a three judge Bench decision, have held that such claims should be considered as per the amended Rules that were prevalent at the time of consideration of the application and not rules that were prevalent at the time of the death of the Government Servant . As such, the present decision of the Hon'ble Supreme Court in the case of Malayananda Sethi Vs State of Odisha and others being of a two judge Bench, the decision of the Hon'ble Supreme Court in N.C. Santosh , which is of a three judge Bench, the observation of the Hon'ble Apex Court in N.C. Santosh shall prevail upon.



07/02/23
Additional Secretary to Govt.