

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C)(OAC) No. 1168 of 2016

Samanwaya Tripathy Petitioner

-versus-

State of Odisha & Ors. Opposite Parties

**CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
29.07.2022**

Order No

- 01.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard Mr. U.C. Mohanty, learned counsel for the Petitioner and Mr. R.N. Mishra, learned AGA appearing for the Opp. Parties.
3. The Petitioner is aggrieved by the order dtd.04.03.2016 passed by O.P. No. 2 in refusing to allot quarter No. 2RA-22, Raod No-5, Unit-IX under EOC -15.
4. It is submitted that the Petitioner's father was earlier allotted with the said quarter vide office order dtd.05.05.1984 under Annexure-2. After his retirement, the Petitioner being the only daughter of the said employee and employed under the Opp. Parties since was residing in the quarter in question, she made an application for allotment of the same in her favour.
5. It is submitted that O.P. No. 2 without following the guideline issued by the General Administration Department on 15.05.2000

under Annexure-13 passed the impugned order rejecting the prayer of the Petitioner for such allotment of the quarter in her favour. It is further submitted that by virtue of the impugned order passed by this Court on 21.03.2016, the Petitioner is continuing in her occupation over the said quarter till date.

6. In spite of due service of notice, no counter has been filed by the Opp. Parties controverting the stand of the Petitioner. However, after going through the materials available on record, this Court finds that the Petitioner No. 2, who is the father of the Petitioner No. 1 is a blind person and Petitioner No. 1 is only daughter taking care of her old father. The guideline relied on by Mr. Mohanty is also applicable to the claim of the Petitioner for allotment of the quarter in question.

7. In view of that, this Court while quashing the impugned order dtd.02.03.2016 passed by O.P. No. 2 under Annexure-12 directs the said Authority to take a fresh decision taking into account the resolution issued by the General Administrative Department on 15.05.2000 and the status of the Petitioner No. 2, who is not only blind but also fully dependent on Petitioner No. 1. It is expected that the said Authority shall take a liberal view and allot the quarter in question in favour of the Petitioner.

8. The writ Petition is disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge

Sneha