IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C)(OAC) No.3395 of 2014

Jhamela @ Jasoda Hantala .... **Petitioner**

-versus-

State of Odisha & Ors. .... **Opposite Parties**

CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER
10.02.2023

Order No

01. **1.** This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard Mr. Niranjan Lenka, learned counsel for the Petitioner and Mr. S.N. Pattnaik, learned Addl. Govt. Advocate appearing for the Opp. Parties.

3. It is contended that pursuant to the order passed by this Court on 09.02.2023, he has already been deposited the cost before the Odisha High Court Bar Association Welfare Fund.

4. This writ petition has been filed challenging the rejection of the Petitioner's claim for her appointed under the provisions of Rehabilitation Assistance Scheme vide letter issued on 16.09.2014 under Annexure-4.

5. Learned counsel for the Petitioner contended that while rejecting the Petitioner's claim no reason has been assigned and on that ground only the impugned order is not sustainable in the eye of law.

6. Mr. Pattnaik, learned AGA on the other hand contended that the father of the Petitioner died on 09.02.2014 and the present

Petitioner though made her application, but she being the married daughter of the deceased employee, her claim has been rejected. Mr. Lenka on the other hand contended that extension of benefit in favour of married daughter under the provisions of Rehabilitation Assistance Scheme has been decided by this Court in its Judgment dtd.26.08.2022 in W.P.(C) No. 14945 of 2015.

7. Having heard learned counsel for the Parties and after going through the materials available on record, it is found that no reason whatsoever has been assigned by the Tahasildar, Dasmantpur-O.P. No. 4 in rejecting the claim of the Petitioner for her appointment. Since reason is the basis of any order, in absence of that the order at Annexure-4 cannot sustain in the eye of law. Accordingly, this Court is inclined to quash the said order at Annexure-4. While quashing the same, this Court remits the matter to the O.P. No. 4 to take a fresh decision on the claim of the Petitioner in the light of the order passed by this Court in W.P.(C) No. 14945 of 2015. The entire exercise shall be completed within a period of two (2) months from the date of receipt of this order.

(Biraja Prasanna Satapathy)
Judge

Sneha