



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.41046 of 2023

Rajalaxmi Mishra

Petitioner

Mr. R. N. Behera, Advocate

-versus-

State of Odisha & Ors.

Opposite Parties

Mr. B. Sahoo, Adv. for

O.P.2 & 3-Bank

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

25.02.2026

Order No.

- 06.** 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* challenging order dtd.26.10.2023 so passed by Opposite Party-Bank under Annexure-6. Vide the said order, order of appointment issued in favour of the Petitioner on 18.10.2023 under Annexure-5 was cancelled.
4. Learned counsel appearing for the Petitioner contended that on the death of her father, who was working as a Junior Assistant in the Opposite Party-Bank on 02.08.2017, and the death of her only brother on 16.08.2019, Petitioner was appointed as a support staff on daily wages basis under the Rehabilitation Assistant Scheme vide office order dtd.03.04.2020 under Annexure-2. In terms of the said order, Petitioner joined



as a support staff on daily wage basis, and on such joining she was transferred and posted to Tirtol Branch of the Bank.

4.1. It is further contended that while so continuing on daily wages basis, vide order dtd.18.10.2023 under Annexure-5, Petitioner was appointed as a regular support staff also under the Rehabilitation Assistant Scheme of the Bank. However, on the ground that Petitioner has been so appointed being the married daughter of the deceased employee vide order dtd.18.10.2023, the said order was cancelled vide the impugned order dtd.26.10.2023 under Annexure-6.

4.2. Learned counsel appearing for the Petitioner contended that by the time she made the application to get the benefit of Rehabilitation Appointment after the death of her father on 02.11.2017, Petitioner was unmarried and after due consideration of her application and instead of appointing the Petitioner on regular basis the Bank committed a wrong by providing her appointment on daily wages vide order dtd.03.04.2020 under Annexure-2. However, vide order dtd.18.10.2023, Petitioner was provided with regular appointment under Annexure-5.

4.3. Since by the time, Petitioner was initially appointed on daily wages, though illegally under the Rehabilitation Assistant Scheme, Petitioner was admittedly not married, on the ground that Petitioner was married in the



meantime, benefit of order dtd.18.10.2023 under Annexure-5, could not have been cancelled vide the impugned office order dtd.26.10.2023 under Annexure-6. It is fairly contended that Petitioner got married only on 25.05.2022 so available under Annexure-4.

4.4. It is further contended that even though vide order dtd.18.12.2023 while issuing notice of the matter, this Court passed an interim order to the effect that, order dtd.26.10.2023 shall not be given effect to, but on the face of such interim order Petitioner though was allowed to continue, but on daily wages basis.

4.5. It is accordingly contended that the ground on which, the impugned order dtd.26.10.2023 has been passed is not sustainable in the eye of law and it requires interference of this Court.

5. Mr. B. Sahoo, learned counsel appearing for the Opposite Party-Bank placing reliance on the provisions contained under Rule-8 of the HR Policy of the Bank so issued in the year 2011 vide Annexure-A/2, contended that as per the Rule-8, unmarried daughter of a deceased employee is eligible to get the benefit of appointment. Since Petitioner is the married daughter of the deceased employee, benefit of order dtd.18.10.2023 was cancelled, as Petitioner had got married on 27.05.2022. Rule-8 of the Rules reads as follows:-

"8. SPECIAL PROVISION:



Appointment of Widow / Son / unmarried Daughter of deceased employee in the service of the Bank.

- *In such appointments Widow/Son/unmarried Daughter of deceased employee cannot claim such appointments as a matter of right.*
- *The **Bank may pay salary of 24 months** in lieu of providing appointment of Widow / Son / unmarried Daughter of deceased employee.*
- *In case, the compensation package offered is not accepted, in such case the competent authority may consider appointment of Widow/Son/ unmarried Daughter of deceased employee depending on necessity, qualification and availability of vacancy in Group - B or Group C posts.*

Provided that in case of appointment on rehabilitation/compassionate grounds, appointment will be given only in the Grade the deceased employee was holding subject to maximum of Banking Assistant and within a period of one year.”.

5.1. It is accordingly contended that since Petitioner is the married daughter of the deceased employee, no illegality or irregularity can be found with the impugned order dtd.26.10.2023 so issued under Annexure-6.

6. Having heard learned counsel appearing for the Parties and considering the submissions made, this Court finds that the deceased employee while working under the Bank died on 02.11.2017 so available under Annexure-1-Series. Not only that Petitioner's only brother also died on 16.08.2019. Considering the application so made by the Petitioner as the unmarried daughter of the deceased employee, Petitioner though was eligible to get the benefit of appointment as a regular support staff under the Rehabilitation Assistant Scheme, but vide



office order dtd.03.04.2020 under Annexure-2, she was appointed on daily wages basis.

6.1. Petitioner in terms of the said order not only joined in the Bank but also continued. After being so provided with the appointment vide office order dtd.03.04.2020, Petitioner got married on 27.05.2022. Thereafter vide order dtd.18.10.2023, Petitioner was regularly appointed as a support staff. But on the ground that Petitioner is the married daughter of the deceased employee, benefit of order dtd.18.10.2023 was cancelled vide the impugned order dtd.26.10.2023 under Annexure-6.

6.2. This Court taking into account the death of the deceased employee on 02.11.2017 and the benefit of appointment issued vide order dtd.03.04.2020, is of the view that by the time Petitioner made the application, which is not disputed, was the unmarried daughter of the deceased employee and accordingly her claim was coming under Rule-8 of the 2011 HR Policy of the Bank. However, on the face of her eligibility, Petitioner was appointed on daily wages basis vide order dtd.03.04.2020 under Annexure-2.

6.3. Since Petitioner's initial appointment so made on 03.04.2020 was prior to her marriage, which is not disputed and she got married only on 27.05.2022, this Court is of the view that the ground on which benefit of order dtd.18.10.2023 has been cancelled vide the impugned order dtd.26.10.2023, is not sustainable in



the eye of law. Since by the time Petitioner was initially appointed vide order dtd.03.04.2020 under Annexure-2, Petitioner was unmarried, the Bank should have appointed her on a regular post instead of appointing her on daily wages. For the laches made by the Opposite Party-Bank, subsequent order of regularization so issued vide office order dtd.18.10.2023 cannot be cancelled on the ground that Petitioner has got married in the meantime and as per the rule married daughter is not eligible to get the benefit.

6.4. In view of the aforesaid analysis, this Court is inclined to quash order dtd.26.10.2023, so issued under Annexure-6 and upheld order dtd.18.10.2023 so issued under Annexure-5. While upholding order dtd.18.10.2023, this Court directs Opposite Party-Bank to allow the Petitioner to continue as a regular support staff and release the differential entitlement as due and admissible taking into account the nature of interim order passed by this Court on 18.12.2023. This Court directs the Opposite Party No.2-Bank to release the differential entitlement within a period of two (2) months from the date of receipt of this order.

7. Accordingly, the Writ Petition stands disposed of.

(Biraja Prasanna Satapathy)
Judge

Subrat