

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.219 of 2021

Mansi Sinha

.... ***Petitioner***
Mr. J. Gupta, Advocate

-versus-

State of Odisha and others

.... ***Opposite Parties***
Mr. Y.S.P. Babu, A.G.A.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
29.06.2022

Order No.

03.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioner as well as learned counsel for the State. Perused the record.
3. The present writ petition has been filed by the petitioner with the following prayers:

“The petitioner therefore humbly prays that the Hon’ble Court may be graciously pleased to admit this case, issue notices to opposite parties for show cause and after hearing both sides may be pleased to issue a writ in nature of mandamus/certiorari and then direct the opposite parties particularly O.P. No.1 and 2 to release the full family pension with arrear from 20.09.2015 and gratuity counting the service of the late husband of the petitioner from the date of initial date of initial date appointment i.e. 28.02.1996 within a stipulated period by quashing the office order vide Annexure-6 with cost. And pass such other order or direction as this Hon’ble Court deems just, fit, equitable and proper in the facts and circumstances of the present case.”

4. It is submitted by learned counsel for the petitioner that the

petitioner is a widow of late Government employee, who died harness of the year 2015, has not been receiving the retired/pensionary benefits although she is entitled to the same as per law.

5. Further, it is submitted by learned counsel for the petitioner that the petitioner had also applied under the Rehabilitation Assistant Scheme for the son of the present petitioner as well as deceased Government employee for appointment under the Rehabilitation Assistant Scheme and the same is pending before the authorities for consideration. However, the petitioner has made a representation dated 21.06.2017 under Anenxure-5 before the Secretary to Government, Panchayat Raj and Drinking Water Department, Bhubaneswar-Opposite PartyNo.1, the same is still pending before the said Opposite Party and the said Opposite Party has not taken any decision as of now.

6. On perusal of record, it appears that the representation of the petitioner has been rejected by the department vide Order No.2925 dated 12.02.2018 and the authority has passed a cryptic order by rejecting the claim of the petitioner. Further, it appears that nothing reveals for imagination.

7. Learned counsel for the State, on the other hand, submits that the representation of the petitioner has been considered by the department and the same has been rejected. However, he does not dispute the order dated 12.02.2018 under Annexure-6 disclose any reason whatsoever and he has no objection, if a direction is given to the authorities to consider the grievance petition of the petitioner in accordance with law within a stipulated period of time.

8. Considering the submissions made by the respective parties,

the limited nature of grievance involved in the present writ petition and further keeping in view larger interest of justice, this Court disposes of the writ petition at the stage of admission with a direction to the petitioner to file a fresh representation highlighting her grievances along with copies of the relevant documents in support of her claim before the Secretary to Government, Panchayat Raj and Drinking Water Department, Bhubaneswar-Opposite Party No.1 within a period of two weeks from today. Further, this Court is of the considered view that the order dated 12.02.2018 under Annexure-6 is hereby set aside. In the event such a representation is filed by the petitioner within the aforesaid period, the same shall be considered and disposed by passing a speaking and reasoned order within a period of two months from the date of filing of fresh representation. Any decision taken on the same shall be communicated to the Petitioner within a period of two week thereafter.

9. With the aforesaid observation/direction, the writ petition is disposed of.

Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge