

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.2154 of 2022

Sitaram Das

.... *Petitioner*

Mr. S.C.D. Dash, Adv..

-versus-

State of Odisha and Ors.

.... *Opposite Parties*

Mr. Debasis Mohapatra, SC

(for S & ME Deptt.)

CORAM:

DR. JUSTICE S.K. PANIGRAHI

Order

No.

ORDER

12.10.2022

01. 1. This matter is taken up through hybrid arrangement.
2. Heard.
3. In this Writ Petition, the Petitioner, challenges the order dated 26.09.2019 passed by the Opposite Party No.5/Controller of Accounts, Odisha, Bhubaneswar refusing to incorporate the name of his wife namely Ramamani Das for availing family pension on the ground that since Ramamani Das got married to him during the life time of his first wife, she is not entitled to get family pension as per Rule-56(6)(d) of the Odisha Civil Services (Pension) Rules, 1992. Therefore, the Petitioner is constrained to approach this Court for seeking relief.

4.Learned counsel for the Petitioner submits that since the Petitioner had mentioned the names of his first wife as well as the second wife as nominees in the pension papers, the Opposite Party No.5/Controller of Accounts, Odisha, Bhubaneswar refused to incorporate the name of his 2nd wife Ramamani Das as nominee for availing family pension.

5. Since the case of the petitioner has been rejected because of non-availability of correct documents for consideration, without going into the merit of the claim of the Petitioner, this Writ Petition is disposed of directing the Petitioner to approach the Opposite Party No.5/Controller of Accounts, Odisha, Bhubaneswar with valid documents and to convince the said authority so that the authority shall consider his case in accordance with law.

6. Accordingly, this Writ Petition is disposed of.

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

(Dr. S.K. Panigrahi)
Judge