

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 7779 of 2020

Tapoi Swain

....

Petitioner

Mr. Srikanta Mahunta, Advocate

-versus-

State of Odisha and Others

Opp. Parties

Mr. S. K. Samal, AGA
(O.P. Nos. 1 & 2)

Mr. S. K. Patra, Advocate
(O.P. No. 3)

CORAM: JUSTICE SANJAY KUMAR MISHRA

ORDER

17.10.2022

Order No.

- 06.** **1.** This matter is taken up through hybrid mode.
- 2.** Heard learned Counsel for the Petitioner, so also learned Counsel for the State as well as learned Counsel for the Opposite Party No. 3.
- 3.** The Petitioner, wife of late Dwijabar Swain, has filed this Writ Petition to direct the Opposite Parties, more particularly Opposite Party No. 3, to sanction the family pension and other dues with effect from 01.02.2016 under Orissa Civil Service (Pension) Rules, 1992, so also to quash the impugned communication

dated 30.08.2016 made by Asst. Accounts Officer, Odisha, Bhubaneswar, by which the pension papers submitted by the Petitioner was returned to the Divisional Forest Officer, Athagarh Division, with a remark that as per Pension Rules, no family Pension can be authorized to his mother as the Petitioner has family and at present in his family, nobody is eligible to get family pension.

4. Pursuant to Order dated 24.09.2022 and Order dated 11.10.2022, learned Counsel for the Opposite Party No. 3 produces the written instructions dated 14.10.2022 received from concerned Authority along with communications exchanged between the Senior Accounts Officer, Principal Accountant (General), (A&E), Odisha, Bhubaneswar and the Divisional Forest Officer, Athagarh Division, so also Pension Payment Order dated 14.10.2022, where from it is well revealed that pension has already been sanctioned in favour of the present Petitioner.

5. In view of such written instructions submitted by learned Counsel for the Opposite Party No. 3, the impugned order, as at Annexure-6 is set aside.

6. Accordingly, the Writ Petition stands disposed of.

7. Needless to mention here that apart from the final disbursement of pension, if the Petitioner is entitled to any other dues of her late husband, the same be disbursed in favour of the Petitioner within six weeks from the date of communication of the certified copy of this order.

8. Photocopy of the written instructions with enclosures submitted by the learned Counsel for the Opposite Party No. 3 be kept on record.

(S. K. MISHRA)
JUDGE

AKPradhan

