

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.6961 of 2022

Soudamini Swain

....

Petitioner

Mr.Pradosh Ku. Das, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. Y.S.P.Babu, A.G.A.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

07.04.2022

Order No.

02.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and the learned Additional Government Advocate.
3. The present writ application has been filed with a prayer to direct the Opposite Parties to sanction and disburse 50% share of the pensionary amount in favour of the son of the deceased employee.
4. It is submitted by the learned counsel for the Petitioner that a dispute arose with regard to distribution of death benefit including the pensionary benefit of the deceased employee which has been set at rest by the Civil Court in Civil Suit No. 392 of 2012 vide order dated 11.09.2014 and the learned Additional Senior Civil Judge, Dhenkanal after considering the matter has passed an order directing the pension amount of the deceased employee be shared between wife and parents of the deceased employee. It is further submitted by the learned counsel for the Petitioner that the wife in the meantime has remarried and living with his new spouse.
5. Learned Additional Standing Counsel on the other hand

submits that let the Petitioner approach the authority, who shall consider the case of the Petitioner in the light of the order passed by the Civil Court which shall be filed along with the writ application under Annexure-2 i.e. order dated 11.09.2014 in C.S.No.392 of 2012 and after hearing both sides shall dispose of the same within a stipulated period of time.

6. Considering the submissions made at the bar and further keeping in view the surrounding facts and circumstances this Court disposes of the writ application at the stage of admission with a direction to Superintendent of Police, Dhenkanal, Opposite Party No.4 to consider the prayer of the Petitioner in the light of the order passed by the Civil Court as referred to herein above within a period of two months from the date of production of certified copy of the order. Further while considering the prayer of the petitioner, it is open for the Opposite Party No.4 to give opportunity of hearing to both sides, if they so desire. The Opposite Party No.4 is directed to take a decision in the matter and disburse the death benefit amount in favour of the Petitioner within one month thereafter if there is no other legal impediment.

7. With the aforesaid observation the writ application stands disposed of.

8. Issue urgent certified copy as per Rule.