

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.8358 of 2022

Pramila Patra & others

....

Petitioners

Mr.Akshaya Ku. Sahoo, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

25.04.2022

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners as well as learned Additional Government Advocate.
3. The present writ application has been filed by the Petitioner with the following prayer:

“It is therefore prayed that this Hon’ble Court may graciously be pleased to admit this writ application and issue Rule Nisi calling upon the Opposite parties to show cause as to why the family pension and other death benefits of Late Pabitra Mohan Patra shall not be sanctioned and disbursed in favour of the Petitioners with immediate effect.

If the Opposite Parties are fail to show cause or show their insufficient cause let this Hon’ble Court make the said rule absolute and after hearing the parties direction may kindly be given to the Opposite parties for sanction and disbursement of the family pension and other death benefit of Late Pabitra Mohan Patra in favour of the Petitioners with immediate effect;

And/or pass any other order/orders, writ/writs, direction/directions, as this Hon’ble Court deems fit and proper in the eye of law.”

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

the husband of the Petitioner No.1 died in harness on 04.10.1995. The Petitioners as legal heirs of the deceased Government employee is entitled to get family pension. However, the authority has not paid the family pension as of now although she is entitled to get family pension as per OCS (Pension) Rules. It is submitted that the Divisional Officer, Deogarh, (Opposite Party No.4) the employer of the deceased husband of the Petitioner has submitted all the documents before the Principal Accountant General vide its letter dated 05.02.2016. It is submitted by the learned counsel for the Petitioner that though several years have been passed in the meantime the Accountant General has not taken any decision on the said letter. Moreover, the Petitioners have been drawing the attention of the authority for payment of family pension by approaching them by filing representations, the last representation dated 20.12.2021 which is pending before the Principal Accountant General (A & E), Odisha, Bhubaneswar.

5. Learned Additional Government Advocate on the other hand submits that since the matter is pending before the Accountant General, Odisha Opposite party No.2, he has no objection if a direction to the Opposite Party No.2 to dispose of the representation of the Petitioner within a stipulated period of time.

6. Considering the submissions and the limited nature of grievance of the Petitioner, this Court disposes of the representation of the Petitioner directing the Opposite Party No.2 to consider and dispose of the representation of the Petitioner within a period of two months from the date of production of certified copy of this order. The Opposite Party No.2 is further directed to consider the representation of the Petitioner in accordance with law and shall dispose of the same by passing a speaking and reasoned order. It is

further directed that in the event the Petitioners are entitled to the family pension as per the Rules then the same shall be sanctioned and disbursed in their favour within a period of one month thereafter.

6. With the aforesaid observation, the writ application stands disposed of.

9. Issue urgent certified copy as per Rules.

RKS

(A.K. Mohapatra)
Judge

