

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.9014 of 2022

B.Saraswati Reddy

....

Petitioner

Mr.Ashok Kumar Parida, Advocate

-versus-

Union of India and others

....

Opposite Parties

Mr. P.K.Parhi, A.S.G.

Mr.B.K.Padhi, C.G.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

21.04.2022

Order No.

01

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

“ It is therefore, respectfully prayed that this Hon’ble Court may graciously be pleased to admit the writ petition, issue Rule NISI to the Opposite Parties inviting show cause as to why the Petitioner shall not be paid with the family pension up to till date as well as the retirement benefits of her late husband, if the Opposite Parties fails to show cause or show insufficient cause, the said Rule may be made absolute directing the Opposite Parties by an appropriate writ, more particularly a writ of mandamus to the Opposite Party no.2 to release the family pension and arrear retirement benefits to the Petitioner within the stipulated by this Hon’ble Court.

And further be pleased to pass any other appropriate order(s), writ(s), direction(s) as may deem fit and proper in the eye of law.”

4. It is submitted by the learned counsel for the Petitioner that the husband of the Petitioner was working as an employee under

Siddhomal Paper Conversion Co. (P) Ltd. since 01.12.1999 to 09.01.2020. While working in the said Company, the husband of the Petitioner met with an accident, as a result of which he died while he was under treatment on 09.01.2020. It is further submitted that the husband of the Petitioner was insured under ESI, New Delhi vide I.P.No.67067589595. It is further contended by the learned counsel for the Petitioner that although required documents have been submitted before the Employer i.e. Siddhomal Paper Conversion Company Ltd. since 17.08.2020 but till date no action has been taken as has been informed to the Petitioner by her employer. As such the Petitioner is not getting her family pension, which she is entitled to get. It is further submitted by the learned counsel for the Petitioner that she has submitted a representation before the Employees Estate Insurance Corporation authority on 18.01.2022 which is filed herewith as Annexur-6. He further submits that no action has been taken on such representation of the Petitioner.

5. Learned Assistant Solicitor General submits that from a perusal of the representation of the Petitioner under Annexure-6, it is not clear as to which authority the representation has been forwarded by the Petitioner. He further submits that let the Petitioner submits a representation to the Director, ESI, New Delhi and in such event the representation of the Petitioner shall be considered in accordance with law.

6. Considering the aforesaid submissions, this Court directs the Petitioner to file a fresh representation to the Director, E.S.I., New Delhi within a period of two weeks from today. In the event the representation is filed, the same shall be considered by the Directorate of E.S.I. in accordance with law within a period of six weeks from the date of production of certified copy of this order and

the representation of the Petitioner shall be disposed of by passing a speaking ad reasoned order and in the event it is found that the documents submitted by the Petitioner is in order, then the authority shall do well to pay the provisional pension of the Petitioner within two months thereafter.

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

8. Issue urgent certified copy as per Rules.

RKS

