

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.9210 of 2022

Saubhagini Jena

.... Petitioner
Mr.K.C.Sahu, Advocate

-versus-

State of Odisha and others

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

19.04.2022

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).

2. Heard learned counsel for the Petitioner and learned Additional Government Advocate.

3. The present writ application has been filed by the Petitioner with the following prayer:

“I view of the facts ad submissions mentioned in Para-(6) above the Petitioner prays for the following relief(s)

i) The Hon’ble High Court be pleased to admit and allow the writ petition.

ii) The Hon’ble High Court be pleased to direct the Opp.Parties to sanction and disburse the family pension and other retirement benefits in favor of the Petitioner by bringing over her husband’s service to regular establishment before his death by taking into account the service periods rendered by him under the regular so also work charge & DLR service periods in order to be

eligible to get the minimum family pension with all other retiral benefits keeping in view the judgment of this Hon'ble Court under Annexure-5 within a time bound period for the interest of justice.

- iii) The Hon'ble Tribunal may be pleased to pass any order(s)/direction(s) as deems fit and proper for the interest of justice.

4. It is submitted by the learned counsel for the Petitioner that the Petitioner is not getting the family pension and pensionary benefit payable to the family of the Petitioner. He further submits that although the husband of the Petitioner died on 27.06.2012 but till date she is not getting family pension for which she is facing financial hardship. He further submits that persons similarly placed have been given the family pension and other pensionary benefit payable to the deceased employees, but she has not been paid till date. He has also drawn the attention of this Court to the decision of the Hon'ble Apex Court in the case of **State of Orissa and others v. Parbati Das**) decided in SLP No.21261 of 2015 and also decision of this Court in the case of Manohar Pattnaik disposed of by Division Bench of this Court on 23.04.2018 in W.P.(C) No.23569 of 2017 relying upon the decision in the case of (State of Orissa v.Parbati Das) decided by the Hon'ble Supreme Court in SLP No. 21261 of 2015 by which the order of this Court passed in W.P.(C) No.11060 of 2021 dated 22.08.2013 has been upheld by the Hon'ble Apex Court. Therefore, learned counsel for the Petitioner prays that a direction be given to the Opposite Parties to sanction and disburse the family pension and other pensionary benefit payable to the deceased husband of the Petitioner within a stipulated period of time taking into consideration the law laid down by this Court as well as by the Hon'ble Apex Court.

5. Learned Additional Government Advocate on the other hand submits that let the Petitioner approach the authority by filing a representation along with certified copy of the order passed by this Court as well as by the Hon'ble Apex Court and in the event the petitioner approaches the authority, the grievance of the Petitioner shall be considered within a stipulated period of time taking into consideration the ratio decided in the judgment referred hereinabove.

6. Considering the aforesaid submissions and keeping in view the law laid down by this Court as well as the Hon'ble Apex Court as referred to hereinabove this Court disposes of the writ application at the stage of admission directing the Petitioner to approach the authority by filing a fresh representation along with copy of the judgment in support of his case along with certified copy of this order within a period of two weeks and in the event such representation is filed, such representation shall be considered in accordance with law keeping in view the law laid down by the Hon'ble Supreme Court as well as this Court and shall dispose of the representation by passing a reasoned and speaking order and in the event it is found that the Petitioner is covered under the judgment referred to hereinabove then the family pension and other pensionary benefit payable to the Petitioner be disbursed in her favour within a period of two months thereafter.

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

8. Issue urgent certified copy as per Rules.