

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.9524 of 2022

Laxmipriya Moharana & another ***Petitioner***
Mr.Bhujit Patnaiktra, Advocate

-versus-

State of Odisha and others ***Opposite Parties***
Mr. Y.S.P.Babu, A.G.A.

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 Additional Government Advocate.

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

“The Petitioner, therefore, prays that this Hon’ble Court be graciously pleased to admit the writ petition, issue a Rule Nisi calling upon the Opposite parties to show cause as to why a writ of mandamus or any other appropriate writ/writs, direction/directions, order/orders shall not be passed.

i) It is therefore prayed that the Hon’ble Court shall be pleased to admit this writ application, issue notices to the Opp.Parties and after hearing the parties be further pleased to issue order/orders/writ/writs, more particularly issue

ii) If the opposite parties fail to show or show insufficient cause, to make the rule absolute; and

iii) to pass such other order/orders which would give complete relief to the petitioner.”

4. It is submitted by the learned counsel for the Petitioner that the husband of the Petitioner, who was working as Helper in PED, Puri since 16.09.1983. however died in harness on 01.06.2010 leaving behind his minor son and wife. It is further submitted by the learned counsel for the Petitioner that although the Petitioner is getting family pension, no other retiral benefit as due and admissible to the deceased employee has been paid to the Petitioners. She further submits that his son is also entitled for appointment under Rehabilitation Assistance Scheme under the Government. At the relevant point of time the son of the Petitioner was a minor and in the meantime, he attained majority. It is also her submission that the Petitioner No.1 is suffering from cancer and in support of her ailment she filed medical papers. Further she submits that the authority has not considered his case.

5. Learned Additional Government Advocate on the other hand submits that the let the Petitioners approach the authority with a detailed representation as to what are their entitlement and how much they will receive. In case the Petitioners approach the authority by filing a representation, the same shall be considered in accordance with law within a stipulated period of time. It is further submitted by the learned Additional Government Advocate that so far as the appointment of the son of the deceased employee under Rehabilitation Assistance Scheme is concerned, the same also be examined by the authority as per Rules and in accordance with the judgment of the Hon'ble Supreme Court in the case of State of Madhya Pradesh v. Ashish Awasthi, 2021(II) OLR (SC) 1072 and ins the case of the Secretary to Government Department of Education

(Primary) & Ors. V. Bheemesh Alias Bheemapa (Civil Appeal No.7752 of 2021).

6. Considering the aforesaid submissions, this Court disposes of the writ application at the stage of admission with a direction to the Petitioner to file a comprehensive representation highlighting their claim with supporting documents before the Opposite Party No.2 within a period of two weeks from today and in the event such a representation is filed, the same shall be considered by Opposite Party No.2 within one month and shall be disposed of by passing a speaking and reasoned order. In the event the Petitioner is found entitled to family pension and other retirement benefit as due and admissible the same shall be sanctioned and disbursed in their favour within two months thereafter. It is further directed that since the claim for appointment of the Petitioner No.2, who was minor at the time of death of the employee, his case shall be considered under Rehabilitation Assistance Scheme and in the event the son of the deceased employee is found eligible, necessary steps be taken for giving employment to him under the Rehabilitation Assistance scheme within four weeks thereafter.

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

8. Issue urgent certified copy as per Rules.

RKS

(A.K. Mohapatra)
Judge