

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.10258 of 2022

Kamali Arukha

....

Petitioner

Mr. Sukanta Kumar Mishra, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. P.C.Das, ASC for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

02.05.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard Mr.S.K. Mishra, learned counsel for the Petitioner and Mr. P.C.Das, learned Additional Standing Counsel for the State.
3. The writ petition filed by the Petitioner involves the following prayer:
- “Under the above circumstances, it is therefore humbly prayed that this Hon’ble Court may be graciously pleased to direct the Opp. Parties to release the family pension in favour of the Petitioner from 04.03.2014, i.e. from the date of death of the mother of the Petitioner without further delay, as she is entitled for the same in view of the Govt. Notification dated 23.07.2011 under Annexure-5.”
4. It is submitted by learned counsel for the Petitioner that although Petitioner, who is 45% disabled, is entitled to family pension as per Orissa Civil Services (Pension) Rules, 1992, but the same has not been paid to the Petitioner till date. Learned counsel for the Petitioner further draws attention of this Court to the letter

No.1176 dated 17.3.2017 written by the Executive Engineer, Kalahandi M.I. Division, Bhawanipatna to the Principal Accountant General (A&E), Odisha, Bhubaneswar, thereby recommending the case of the Petitioner for sanction and disbursement of family pension to the Petitioner as per Rule 56(5)(iii) and Rule 56 (iv) of O.C.S. Pension Rule, 1992. Learned counsel for the Petitioner further submits that though such recommendation has been made way back in the year 2017, but till date the Petitioner is not getting any family pension, for which, she is facing severe financial constraint in maintaining her day to day life.

5. Learned counsel for the State on the other hand submits that since her case has been recommended by the Executive Engineer, Kalahandi M.I. Division, Bhawanipatna to the Principal Accountant General (A&E), the Opposite Party No.5 may be directed to consider the same as per the letter dated 17.3.2017 (Annexure-6) within a stipulated period of time.

6. Considering the submission of the respective parties and in the larger interest of justice, this Court disposes of the writ petition at the stage of admission by directing the Accountant General (A&E), Odisha, Bhubaneswar, Opposite Party No.5 to take a decision on the letter under Annexure-6 expeditiously. The Petitioner or his counsel appeared before the Opposite Party No.5 along with the certified copy of this order along with all relevant documents including the letter dated 17.3.202017 (Annexure-6) within two weeks from today. Further Opposite Party No.5 is directed to process the claim of the Petitioner expeditiously and shall release the family pension within six weeks from the date of decision in the matter.

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7. With the aforesaid direction, the writ petition stands disposed of.

8. Issue urgent certified copy as per rules.

(A.K. Mohapatra)
Judge

U.K.Sahoo

