

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.10809 of 2022

R.Subhransu

Petitioner

....
Mr.C.R.Pattnaik, Advocate

-versus-

***Officer-in-Charge, Pay and
Account, Jabalpur & others***

.... ***Opposite Parties***

Mr. S.K.Patra, Advocate.

**CORAM:
JUSTICE A.K.MOHAPATRA**

**ORDER
28.10.2022**

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. On the prayer of the learned counsel for the Petitioner, Opposite Party Nos. 1 to 4 are deleted.
3. Heard learned counsel for the Petitioner and the learned counsel appearing for Army Group Insurance Adjutant General Branch.
4. The present writ application has been filed by the Petitioner with the following prayer.

“Under such circumstances, it is respectfully prayed that this Hon’ble Court may graciously be pleased to admit this writ application, call for the records and after hearing the parties may be pleased to issue a writ(s), order(s), direction(s) of mandamus directing the authority to disburse the Army Group Insurance and his death benefits in favour of his minor son represented through his mother guardian as mentioned

above forthwith preferably within a stipulated period as this Hon'ble Court just and proper.

And further may pass any other suitable order (s), direction(s) as this Hon'ble Court may deem fit just ad proper to give relief to the Petitioner.”

5. It is submitted by the learned counsel for the Petitioner that the Petitioner is the son of Ex-service man late Rajendra Kumar Rout. Since he is a minor represented by his grandmother, Manorama Rout has filed the present writ application for a direction to release the Army Group Insurance and other death benefits as due and admissible to his late father. It is also submitted by the learned counsel for the Petitioner that the authorities are not disbursing although the deceased father of the Petitioner is entitled lawfully to get Army Group Insurance amount and death benefit.

6. Mr.S.K.Patra, learned counsel appearing for Opposite Party No.5 submits that the Opposite Party No.5 is a society and therefore not amenable to the writ jurisdiction.

7. However, without going to such detail and without issuing any notice, this Court directs the Petitioner to file a representation before the Opposite Party No.5 giving all the details and particulars as well as supporting documents in support of his claim within a period of four weeks from today. In the event such application is filed within the aforesaid period, the same shall be considered in accordance with law and shall be disbursed within a period of three months thereafter. It is open for the Opposite Party No.5 to provide opportunity of hearing to any of the parties, who are likely to be affected, if any decision is taken in favour of the Petitioner. Decision so taken shall be communicated to the Petitioner within 10 days.

Further, it is directed that in the event the Petitioner is lawfully entitled to get the service benefits of his late father as is claimed by him, then the same shall be disbursed within a period of one month from the date of taking decision in the matter.

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

9. Issue urgent certified copy of this order as per Rules.

(A.K. Mohapatra)
Judge



RKS