

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.12212 of 2022

Rakhi Bibi

....

Petitioner

Mr. Niranjan Panda, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

27.06.2022

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 counsel for the State. Perused the record.
3. The present writ petition has been filed by the petitioner with the following prayers:
- “That the petitioner therefore prays that this Hon’ble Court may graciously be pleased to admit this Writ petition, Issue notice to Opp.parties;
- By considering the facts and grounds stated above a direction may issue to opposite parties for release of Family pension in one time by calculating the same soon.
- And may pass any other order/orders as deem fit and proper in the interest of justice.”
4. Mr. Panda, learned counsel for the petitioner submits that the petitioner is a widow lady, who is not getting family pension to her late husband, who died in harness, has made a representation for getting

family pension. Although the petitioner has approached before the authority by filing a representation but, the authorities has not paid any heed to the representation of the petitioner.

5. It is submitted by learned counsel for the petitioner that the payment of family pension to the family in case of the death of pensioner. In that event the existing provisions of Rule 56(4)(a)(ii) of O.C.S. (Pension) Rules, 1992, the petitioner is entitled to family pension and the authorities may be directed to pay family pension to the petitioner within a stipulated time.

5. Learned counsel for the State submits that he has no objection, if a direction is given to the authorities to consider the fresh representation of the petitioner in accordance with law within a stipulated period of time.

6. Considering the submissions made by the respective parties, this Court disposes of the writ petition at the stage of admission without expressing any opinion on the merits of the case with a direction to the petitioner to file a fresh representation highlighting her grievances along with copies of the relevant documents in support of her claim before the Chief District Medical Officer, (CDMO, Cuttack-Opposite Party No.2 within a period of two weeks from today. In the event such a representation is filed within the aforesaid period, the authorities concerned shall do well to consider the case of the petitioner in accordance with law within a period of two months from the date of production of certified copy of this order. Further, it is made clear that in the event the petitioner is eligible for family pension, the same shall be released in favour of the petitioner within a period one month and he is directed to consider strictly the grievance petition of the petitioner and dispose of the same by passing a speaking and reasoned order. Any decision

so taken on the same shall be communicated to the petitioner within a period of ten days thereafter.

7. With the aforesaid observation/direction, the writ petition is disposed of.

Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge

Jagabandhu

