

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 17162 of 2022

Puspanjali Hota

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

05.08.2022

Order No

02.

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

2. Heard Mr. Mishra, learned counsel for the Petitioner and Mr. A.P. Das, learned ASC appearing for the Opp. Parties.

3. The present writ Petition has been filed with the following prayer:-

“It is, therefore, prayed that this Hon’ble Court may graciously be pleased to admit this writ Petition and issue notice to Ops calling upon them to show cause as to why the Petitioner shall not be given all the retirement dues of her husband including, leave Encashment, GPF family pension/death gratuity etc within a reasonable period.

If the Ops fail to show cause or show insufficient cause then upon hearing the parties, issue an appropriate writ/writ directing the Opp. Parties to make payment of all the retirement dues of the Petitioner’s husband

including leave Encashment, GPF, family pension/death gratuity etc. along with interest at the rate of 12% per annum forthwith.

And or to pass such other order/orders as this Hon'ble Court deems just fit and proper in the facts and circumstances of the case.

And for this act of kindness, the petitioner shall as in duty bound ever pray."

4. It is submitted that the Petitioner's husband while working as Consolidation Officer at Puri, he disappeared from his office on 02.04.2007 and since then his whereabouts is not known. Therefore, the Petitioner being the wife of the said employee relying on the provision contained under Rule 56 of the OCS (Pension) Rules, 1992 moved the Authority seeking grant of pension and other retiral benefits.

5. It is submitted that such prayer of the Petitioner has been forwarded to the Secretary, Board of Revenue, Cuttack on 27.08.2021 under Annexure-4. It is further submitted that in spite of such communication issued by the Govt. the said O.P. No. 2 is not taking any action on the same and thereby the Petitioner is suffering.

6. Considering the prayer made in the writ Petition and the fact that the Govt. has requested O.P. No. 2 to enquire into the matter and take appropriate action as provided under Rule 56(19) of the OCS (Pension) Rules, 1992, this Court directs the Opp. Party No. 2 to take appropriate action as directed by the Govt. and take a final decision within a period of two (2) months from the date of receipt of this order. On such consideration, if it is found that the Petitioner

is entitled to get the benefit, the same shall also be released within a further period of two (2) months.

7. The writ Petition is disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge

Sneha

