

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.21791 of 2021

Santilata Samantaray

....

Petitioner

Mr.Satyajit Behera, Advocate

-versus-

State of Odisha & others

....

Opp.Parties

Mr.S.C.Dash, Advocate for O.P.No.3

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

26.04.2022

Order No.

05.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as the learned Additional Government Advocate.
3. The present writ application has been filed by the Petitioner with a prayer to quash Annexure-9 and further to direct the opposite Parties to give family pension to the Petitioner.
4. The facts leading to filing of the present case are as follows:
The husband of the Petitioner was employed as Junior Grade Numberer in erstwhile S.T.S. on daily wage basis with effect from 03.05.1971. Thereafter he continued in the OSRTC on daily wage basis. It is further submitted that the husband of the Petitioner retired from service with effect from 24.07.2002 and thereafter has expired on 06.10.2017. It is further submitted by the learned counsel for the Petitioner that the order dated 11.04.2008 under Annexure-7 reveals that the past service of the Petitioner as Junior Grade Numberer who

was working as casual numberer in the erstwhile STS from 03.05.1971 to 30.11.1975 which was counted with effect from 03.05.1971 for the purpose of pension. Accordingly the deceased husband of the Petitioner was getting pension at the time of death. After the death of the husband of the Petitioner, the present Petitioner approached the authorities with an application for grant of family pension. Learned counsel for the Petitioner draws the attention of the Court to letter dated 31.12.2019 written by General Manager, OSRTC, Bhubaneswar to the Under Secretary to Government, Commerce & Transport (Transport) Department, Odisha, Bhubaneswar whereunder request was made to the Government to sanction provisional family pension in favour of the Petitioner.

5. It is further stated that despite the aforesaid recommendation by the General Manager, (A) OSRTC, Bhubaneswar to the Government giving the detailed particulars justifying the payment of pension to the Petitioner, the State Government till date has not taken any action on such recommendation. It is further highlighted by the learned counsel for the Petitioner that as it appears from the letter dated 31.12.2019 under Annexure-5 that similar retired employee namely Bhagabat Behera, Ex-Numberer of Transport Press who had rendered such type of service, Government has relaxed the provisions of the Orissa Pension Rule 1977 and he has been extended such benefit.

6. Learned Additional Government Advocate on the other hand submits that he has received instruction from the OSRTC and submits that for grant of family pension to the wife of the deceased employee, the present petitioner, Pension Rule stands on the way. However, he further submits that the letter which was written by the OSRTC to the State Government dated 31.12.2019 under Annexure-

5 which is stated to be pending before the Government, let the Opposite Party No.1 be directed to consider the said letter and take a decision in accordance with law within a stipulated period of time.

7. Considering the submissions made by the parties and keeping in view the fact of the present case and the fact that the present Petitioner has been deprived of getting the opportunity of family pension, this Court disposes of the writ application with a direction to the Opposite Party No.1 to consider the case of the Petitioner as per the recommendation made under Annexure-5 vide letter dated 31.12.2019 written by General Manager (A), OSRTC, Bhubaneswar and further if similar benefit has been extended to the Ex-numberer of Transport press as has been stated in letter dated 31.12.2019, in the case of the Petitioner the Government may by relaxing the Rule, extend the benefit to the Petitioner and further she may be sanctioned and disbursed the family pension in her favour as per law within a period of three months from the date of production of certified copy of the order.

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

9. Issue urgent certified copy as per Rules.

RKS

(A.K. Mohapatra,)
Judge