

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 18877 of 2019

State of Odisha & Ors.

.....

Petitioners

*Mr. S. Jena, Standing Counsel
S & ME Deptt.*

Vs.

Jamuna Sahoo and another

.....

Opposite Parties

Ms. Kalpita Sahu, Advocate (O.P.1)

CORAM:

DR. JUSTICE B.R. SARANGI

MR. JUSTICE SANJAY KUMAR MISHRA

ORDER

01.08.2022

Order No.
03.

This matter is taken up through hybrid mode.

2. Heard Mr. S. Jena, learned Standing Counsel for the School & Mass Education Department, and Ms. K. Sahu, learned Counsel for Opposite Party No.1

3. The State functionaries being the Petitioners have filed this Writ Petition challenging the Order dated 03.05.2018 passed by Odisha Administrative Tribunal, Bhubaneswar in O.A. No. 320 of 2018, whereby direction was given to the present Petitioners to give family pension to the present Opposite Party No.1 from 30.07.2013 onwards and accordingly to release the regular family pension as well as arrear within a stipulated time.

4. Mr. S. Jena, learned Standing Counsel for the School & Mass Education Department fairly admits that Opposite Party No.1 was receiving the family pension, but due to intervention of one Labanya Sahoo, who had filed O.A. No. 605 (C) of 2012, the

pensionary benefits could not be extended in favour of Opposite Party No.1. In the meantime, said Labanya Sahoo had expired and steps were taken for substitution. However, the substitution petition was rejected and consequently, the O.A. stood abated. As a result of which, the impugned order dated 03.05.2018 was passed directing the present Petitioners to extend family pension in favour of Opposite Party No.1. Since the family pension was earlier released in favour of Opposite Party No.1, the same cannot be abruptly stopped by the authority concerned. In any case, if any dispute is there with regard to entitlement of the family pension, it is open to the parties to take necessary step as admissible in accordance with law, instead of affecting the benefit, which Opposite Party No.1 was getting earlier.

5. In view of such position, this Court does not find any error apparent in the impugned order passed by the Tribunal, calling for interference.

6. With the above observation/direction, the Writ Petition stands disposed of.

7. The interim order passed earlier stands vacated.

(DR. B.R. SARANGI)
JUDGE

(S.K. MISHRA)
JUDGE

Arun/Banita