

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No. 3033 of 2009

Jugeswari Danta

.....

Petitioner

Mr. B.S. Tripathy, Advocate

Vs.

State of Odisha and others

.....

Opposite parties

Standing Counsel S&ME

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

27.01.2022

Order No.

01

This matter is taken up by video conferencing mode.

2. Heard Mr. B.S. Tripathy, learned counsel for the petitioner and learned Standing Counsel for School and Mass Education Department.

3. The petitioner has filed this application seeking to quash the impugned order under Annexure-9 and issue direction to the opposite parties to release the all unpaid terminal benefits like PF, Gratuity, family Pension and T.I. of the deceased husband in her favour within a stipulated time.

4. Mr. B.S. Tripathy, learned counsel for the petitioner states that the claim of the petitioner is covered by the judgment of this Court in **Subarna Dibya and others v. State of Orissa and others**, 2005 (1) OLR 168, which has been made confirmed by the apex Court. It is stated that since the judgment of this Court has been confirmed by the apex Court, nothing remains to be considered by this Court at present. Therefore, the petitioner seeks liberty to move the authority by filing a fresh representation, which shall be considered in accordance with law within stipulated time.

5. Learned Standing Counsel for School and Mass Education Department submits that since the matter has been decided by the apex Court, there is no impediment on the part of the authority to consider the grievance of the petitioner.

6. As agreed by learned counsel for the parties, without expressing any opinion on the merits of the case, this Court disposes of the writ petition granting liberty to the petitioner to file a fresh comprehensive representation before the authority within a period of two weeks from today enclosing copy of the judgment in **Subarna Dibya** mentioned supra, which has been made confirmed by the apex Court. If such representation is filed within the time stipulated, the authority shall consider the same by passing reasoned and speaking order in accordance with law within a period of three months thereafter by affording opportunity of hearing to the petitioner.

As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed, vide Court's Notice No.4587 dated 25th March, 2020, as modified by Court's notice no. 4798 dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

Ashok

(DR. B.R. SARANGI)
JUDGE