

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P(C) No. 19647 OF 2019

Nirupama Mohapatra

***..... Petitioner
Mr. A.U.Senapati, Adv.***

-versus-

State of Odisha & others

***..... Opposite Parties
Mr. S.N.Pattnaik, AGA.***

**CORAM:
JUSTICE V. NARASINGH**

**ORDER
26.07.2022**

**Order No.
06.**

1. This matter is taken up through Hybrid Mode.
2. Heard learned counsel for the parties.
3. The grievance of the present petitioner-wife of late Biranchi Narayan Mohapatra, who was working as Assistant Fire Officer, Keonjhar Fire Station, Keonjhar, relating to sanction of family pension.
4. Considering her representation by communication dated 25.06.2019 at Annexure-4, the authorities denied to disbursement the retrial benefits on the ground which is extracted hereunder.

**“DIRECTORATE GENERAL
FIRE SERVICES, HOME GUARDS 7 CIVIL
DEFENCE, ODISHA**

No. N-40/2017/7418/FS

Dtd.25.6.2019

To

Smt. Nirupama Mohapata,
W/o-Late Biranchi Narayan Mohapatra,
Ex-Asst. Fire Officer,
At/P.O. Sarvodaya Nagar, Sai Mandir Lane,
Puri-2.

Sub:- Grievance petition of Smt. Nirupama Mohapatra, W/O. Late Biranchi Narayan Mohapatra, Ex-Asst. Fire Officer, Keonjhar regarding sanction of family pension.

With reference to your grievance application dtd. 30.6.2018, this is to intimate that Government in Home Department has been pleased to order as below.

“No disbursement of the retrial benefits shall be made until the decree is put to execution before the Ld. Civil Judge(Sr. Division) Khurda.”

Sd/-

Chief Fire Officer-cum-Staff Officer
To D.G.P., Fire Service.”

5. By order dated 26.11.2019, this Court directed learned counsel for the State to obtain instruction as to whether pension can be released in favour of the petitioner independently of the execution of the decree passed by the learned Civil Judge(Sr. Division), Khurda in C.S. No.67 of 2010 dated 16.12.2016 since disposing of the suit relating to entitlement over the benefits of the movable and immovable properties of late B.N.Mohaptra, learned Civil Judge (Sr.Division) specifically stated that the **plaintiff therein is not entitled to family pension.**

6. Mr. S.N.Pattnaik, learned Addl. Government Advocate for the State places on record the communication dated 18.12.2019 from Chief Fire Officer, Odisha, Cuttack. The operative part of such communication, which bearing on the point of issue is extracted hereunder.

“ xx xx xx Under the above fact and circumstances, necessary order may please be solicited to fill up the pension papers in favour of Smt. Nirupama Mohapatra, 2nd wife of Late Biranchi Narayan Mohapatra, Ex-Asst. Fire Officer of Odisha Fire Service as per order of the Hon’ble High Court.”

7. Taking note of the same the writ petition is disposed of that the authority shall consider the pension papers submitted by the petitioner in accordance with law and pay the family pension as due and admissible, as expeditiously as possible within a period of three months from the date of receipt/production of certified copy of this order.

8. Accordingly, the writ petition is disposed of.

(*V.Narasingh*)
Judge

Dhal

