

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 24394 of 2022

Saimata Panda

....

Petitioner

Mr. M.K. Dash, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. B.P. Tripathy, AGA.

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

11.11.2022

Order No.

03. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard the learned counsel for the Petitioner, learned Additional Government Advocate for the State-Opposite Parties and Mr. S.K. Patra, learned Standing Counsel appearing for the Account General of Odisha.
3. The present writ petition has been filed by the Petitioner with the following prayers:

“It is therefore humbly prayed that the Hon’ble Court may graciously please to issue Rule NISI calling upon the Opp. Parties to show cause, as to why a writ in the nature of mandamus shall not be issued directing the authorities to grant and disburse the family pension in favour of the petitioner along with accrued interest on the arrear within a stipulated time period. And in case Opp. Parties do not show cause or shows any insufficient or wrong cause, the Hon’ble Court may make the Rule absolutely directing the Opp. Party Nos. 1 & 3 to sanction and disburse the Family Pension along with arrears from March, 2017 and its accrued interest within a stipulated time. And for

this act of kindness the petitioner as in duty bound shall every pray. ”

4. The sole grievance of the Petitioner is that she is unmarried daughter of an Ex-Government employee and, as such, she is entitled to get the family pension.

5. Learned counsel for the Petitioner draws the attention of this Court to the letter dated 20.12.2019 issued by the Joint Secretary to Government of Odisha, Panchayati Raj & D.W. Department to the Principal AG (A&E), Odisha, Bhubaneswar under Annexure-6 whereby the Joint Secretary to Government of Odisha, Panchayati Raj & D.W. Department has forwarded the family pension papers of the Petitioner for sanction of the family pension in her favour.

6. However, Mr. S.K. Patra, learned Standing Counsel appearing for the Accountant General of Odisha submits that the Sr. Accounts Officer, Odisha of the Office of the Principal Accountant General (A&E), Odisha, Bhubaneswar on 10.10.2022 has written a letter to the Joint Secretary to Government of Odisha, Panchayati Raj and Drinking Water Development in the context of family pension in respect of the Petitioner, who is an unmarried daughter of late Balakrishna Panda, an Ex-Government employee. On perusal of the said letter, it appears that in the absence of the necessary sanction in OCS (Pension) Form-S, the family pension of the Petitioner has not yet been disbursed.

7. Considering the submission of the learned counsel for the parties, this Court disposes of the writ petition at the stage of admission with a direction to the Opposite Party No.1-Secretary to Government of Odisha,

Revenue & D.M. Department, Bhubaneswar as well as Opposite Party No.2- Secretary to Government of Odisha, Panchayati Raj & D.W. Department, Bhubaneswar to consider as to who is the competent authority to accord necessary sanction and accordingly grant sanction within a period of four weeks from the date of production of certified copy of this order. Further, it is directed that the Opposite Party No.3-Principal Accountant General (A&E), Odisha, Bhubaneswar after receiving the sanction from the Government, shall disburse the family pension to the Petitioner within a period of four weeks thereafter.

(A.K. Mohapatra)
Judge



Debasis