

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.30864 of 2020

Smt. Padamabati Kalas

....

Petitioner

Mr. Ajay Kumar Jena, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. YSR Babu, AGA for State

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER
15.03.2022

Order No.

03. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for both the parties. Perused the documents.
3. The writ petition involves the following relief:
- “It is, therefore, prayed that this Hon’ble Court may graciously be pleased to issue a rule Nisi calling upon the opp. Parties to show cause as to why:-
- a) Any appropriate writ(s), direction(s), order(s) shall not be issued for quashing of the letter issued by the Opp. Party No.2 Secretary, Indian Red Cross Society, Odisha State Branch, Red Cross Bhawan, Bhubaneswar dtd.21.01.2020 under Annexure-4.
- b) And directing them therein to pay the Petitioner her gratuity and other pensionary benefits as she is entitled under the law after death of her husband who was working as peon under the opp. Party No.2,”

4. It is submitted by learned counsel for the Petitioner that ventilating her grievance, she has filed a representation before the Authority for sanction and disbursement of pensionary benefits payable to her deceased husband and thereafter to her. However, the Authority has rejected the representation of the Petitioner, vide order dated 21.01.2020 (Annexure-4) stating that her husband has been dismissed from service as he was found guilty of charges of willful absence from duties and willful disobedience of orders of the Superior Authority. Earlier, Petitioner had preferred a writ petition, vide W.P.(C) No.2065/2007 challenging the said dismissal order. Further the said writ petition has been dismissed due to non-prosecution. Upon perusal of the order of the Secretary, Indian Red Cross Society, Odisha, Opposite Party No.2 dated 21.01.2020, it is seen that the Authorities have finally stated that the matter relating to pensionary benefits shall be considered only after the final decision in the matter taken up by this Court in W.P.(C) No.2065/2007.

5. At this juncture, learned counsel for the Petitioner submits that she shall file a fresh representation before the Authority highlighting her grievances before the Authority. In the event, Petitioner files a fresh representation within two weeks from today along with certified copy of this order, the same shall be considered in accordance with law and shall be disposed of by a speaking and reasoned order and in the event, Petitioner is entitled to any service and pensionary benefits payable to her late husband; the same shall be sanctioned and disbursed in her favour within a period of two months thereafter. The entire exercise shall be concluded within a period of three months from today.

6. With the aforesaid direction, the writ petition stands disposed of.
7. Issue urgent certified copy as per rules.

(A.K. Mohapatra)
Judge

U.K.Sahoo

