

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C)(OAB) No.01 of 2018

Minati Rath

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER
21.10.2022

Order No

02. 1.This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Heard Ms. Minati Rath, in Person, Mr. R.N. Mishra, learned AGA appearing for the State-Opp. Parties and Mr. S.K. Patra, learned counsel appearing for O.P. No. 6.

3. The present writ Petition has been filed with the following prayer:-

“i. To grant family pension to the Applicant as an unmarried daughter of the deceased Malati Rath (Pension) as per notification finance department dated 23.07.2011 along with arrears from the death.

ii. The Respondent No. 5, the Director of Medical Education & Training be directed to forward the application form sent to him on 18.07.2017 to the Respondent No. 6, the Accountant General, Odisha, Bhubaneswar.

And/Or

Any other order or orders may be passed as deems fit under the circumstances.”

4. It is submitted that though the Petitioner is the unmarried daughter of the deceased employee and accordingly is entitled to

get the benefit of family pension, but the same when was not sanctioned in her favour, the present writ Petition was filed.

5. Mr. S.K. Patra, learned counsel appearing for O.P. No. 6 on the other hand submitted that since in the details of the family provided by the deceased employee the Petitioner was shown as the married daughter, her claim was not considered by O.P. No. 6.

6. Ms. Rath, in Person produces before this Court a report submitted by the concerned Revenue Inspector before that Tahasildar, Berhampur vide letter No. 187 dtd.15.07.2019. In the said report it has been indicated that the Petitioner is unmarried till today. The said report has been forwarded to O.P. No. 4 vide letter dtd.22.07.2019.

7. In view of such report submitted by the Revenue Inspector obtained by the Petitioner through RTI, this Court while disposing the writ Petition directs the O.P. No. 4 to forward the same to O.P. No. 6 and with a further direction on O.P. No. 6 to consider the claim of the Petitioner by taking into consideration the report as submitted by the concerned Revenue Inspector. The entire exercise shall be completed within a period of two (2) months from the date of receipt of this order. The Petitioner if sanctioned with the family pension, the arrear entitlement towards family pension as due and admissible shall be released within the aforesaid time. The Petitioner is directed to provide a copy of this order before O.P. No. 4 within a period of 7(seven) days form the date of receipt of this order.

7. The writ Petition is disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge

Sneha