

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OA) No. 2933 of 2015

Santilata Behera

....

Petitioner

Mr. M. Pratap, Advocate

-versus-

State of Odisha & Others

....

Opp. Parties

Mr. L. Samantaray, AGA

**CORAM:
JUSTICE M.S. SAHOO**

ORDER

22.12.2022

Hybrid Mode

Order No.

02. 1. When the matter was last taken up on 06.07.2022, the following order was passed:-

- “1. This matter is taken up through hybrid mode.
2. The writ petition has been registered before this Court on 26.08.2021, after the Original Application was transferred from the learned Odisha Administrative Tribunal, Bhubaneswar upon its abolition.
3. On perusal of the available order-sheets of the learned Tribunal, it is indicated that notices were issued by the learned Tribunal on 12.11.2015 and the matter was never taken up/pursued after 21.12.2018. Counter filed on behalf of the opposite party dated 07.07.2018 filed before the learned Tribunal is available on record.
4. None appears for the petitioner when the matter is called.
5. The Original Application was filed seeking for a direction for release of family pension in favour of the petitioner after the demise of her late husband-Harish Chandra Behera, who retired from Government Service and passed away on 26.01.2015.
6. Learned Additional Standing Counsel referring to the counter dated 07.07.2018, submits that the deceased husband of the petitioner on attaining age of superannuation retired with effect from

30.06.2006. Prior to his retirement, criminal proceeding was pending and his suspension period was also not regularized, in view of the pending Departmental Proceeding initiated on 29.12.1999.

7. Since no one is appearing for the petitioner, this Court is not in a position to get instruction regarding the present status of the pension/family pension that would be due and admissible.

8. Learned Additional Standing Counsel shall obtain instruction from the opposite parties as to whether the family pension can be paid to the petitioner after deducting the amount that may be due to the Government, as stated in the counter, particularly paragraph-9 of the counter.

9. As prayed for, list on 26.08.2022”

2. It is submitted by the learned counsel for the petitioner that he has received copy of the counter filed on behalf of the opposite party-State which also forms part of record. Referring to Annexure-G/2 to the counter i.e. Letter No.453 dated 16.03.2015, it is submitted by the learned counsel for the petitioner that by the said intimation of the Additional District Magistrate, Nabarangpur to the Tahasildar, Umerkote, the following has been stated:-

“Therefore, you are requested to conduct a local enquiry through your Revenue field staff on this matter and submit a factual report confirming the news of his death. His other family members are supposed to residing at Umerkote. Further, his family member may please be advised to apply for sanction of family pension following due formalities with the required death certificate and legal heirs certificate. This may please be treated as urgent and important.”

It is submitted by the learned counsel for the petitioner that he has no up-to-date instruction the matter being old one, whether the family members are in receipt of any other retiral dues as due and admissible.

3. In view of the above, the writ petition is disposed of observing that the authorities may verify regarding entitlement of any other dues admissible to the petitioner in accordance with law, if not yet paid to the surviving legal heirs till date. The dues if any is found to be admissible shall be released within three months from the date of communication of this order.

Copy of the order be uploaded in the official website.

(M.S. Sahoo)
Judge

