

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.28003 of 2022

Ambika Pattanayak

Petitioner

....
Mr.Jajati Keshari Khuntia, Advocate

-versus-

State of Odisha & others

.... ***Opposite Parties***

Mr. Y.S.P.Babu, A.G.A.

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

28.10.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner as well as the learned Additional Government Advocate.
3. The present writ application has been filed by the Petitioner seeking for a direction to Opposite Party No.4 to release the family pension in favour of the Petitioner, who happens to be the unmarried daughter of deceased Government employee. It is further submitted by the learned counsel for the Petitioner that although as per Rule unmarried daughters are eligible and entitled to get family pension the authorities so far has not released the family pension in favour of the Petitioner, as a result of which he is facing lot of financial difficulties. It is further submitted by the learned counsel for the Petitioner that although the Petitioner has submitted the form for grant of family pension long back i.e. in the January, 2021, the same has not been considered by the authority as of now.

4. On the other hand, learned Additional Government Advocate submits that let the Petitioner be directed to approach the Opposite Party No.4, who is the competent authority to take a decision in the matter by filing a comprehensive representation along with document in support of her claim. In such eventuality, the Opposite Party no.4 may be directed to consider the same within a stipulated time.

5. Considering the submissions made by the respective parties and further on perusal of the documents, this Court directs the Petitioner to file a fresh representation before Opposite Party No.4 within a period two weeks from today along with supporting documents. In the event such a representation is filed, the Opposite Party No.4 shall do well to consider and dispose of the representation of the Petitioner within a period of eight weeks from the date of filing of such representation taking into consideration Annexure-4. Further, it is made clear that in the event the Petitioner is eligible to get family pension as per Odisha Civil Services (Pension) Amendment Rules, 2011 the same shall be disbursed in favour of the Petitioner within one month thereafter.

6. With the aforesaid observation, the writ application stands disposed of.

7. Issue urgent certified copy of this order as per Rules.

(A.K. Mohapatra)
Judge