

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C)(OAC) No.909 of 2016

Haramani Kar

....

Petitioner

-versus-

State of Odisha & Ors.

....

Opposite Parties

CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER
25.08.2022

Order No

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

2. Heard Mr. L.K. Mohanty, learned counsel for the Petitioner and MR. N.N. Satpathy, learned Standing Counsel appearing for the Department.

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

“In view of the facts mentioned in para-6 above, the applicant prays for the following relief(s):-

- i) *The Original Application be allowed;*
- ii) *The Respondents be directed to release the arrears of pension w.e.f.03.05.95 of Late Ladu Kishore Kar and pensionary benefits in favour of the applicant.*
- iii) *The Respondents be directed to release family pension in favour of the applicant w.e.f. 30.05.2010 till date;*
- iv) *Pass any other order/orders or direction/directions be issued so as to give complete relief to the applicant.”*

4. On instruction Mr. Satpathy, learned Standing Counsel submitted that the husband of the Petitioner was arrested by the local police on 19.02.1992 and subsequently he was released on 09.03.1992. It is further submitted that subsequently the employee concerned took retirement on the ground of invalidation and the said fact was reported by the D.I. of School in his letter dtd.02.05.1995.

5. Since the Petitioner's husband has retired on the ground of invalidation, the claim of the present Petitioner is required to be considered under Rule 39 of the OCS (Pension) Rule. Therefore, this Court while disposing the writ Petition, directs the Petitioner to approach O.P. No. 3 with necessary application for such sanction of invalid pension.

6. It is observed that if any such application is moved before O.P. No. 3 within a period of three (3) weeks from today, O.P. No. 3 shall take necessary action on the same within a further period of three (3) months.

7. The writ Petition is disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge

Sneha