

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.C. (OAC) No.284 of 2016

Jemamani Pattnaik

....

Petitioner

None

-versus-

State of Odisha and another

....

Opposite Parties

Mr. Nilambar Jena,

Standing Counsel for the School & Mass Education

CORAM:

JUSTICE M.S. RAMAN

ORDER

19.07.2022

Order No.

01.

1. This matter is taken up through virtual/physical mode.
2. The Original Application No.284 of 2016 (C) was filed before the Odisha Administrative Tribunal, Cuttack Bench, Cuttack. After its abolition, the same has been transferred to this Court which is renumbered as WPC (OAC) No.284 of 2016.
3. The Petitioner-widow of a Government servant prays for direction to sanction family pension and other post retiral benefits.
4. A counter has come to be filed by Opposite Party No.3, namely, District Education Officer, Cuttack. In the counter, it has been categorically submitted that on perusal of the service record of the Petitioner's husband-Sri Anandi Charan Pattnaik, Assistant Teacher of Purna Chandra Bidyamandir, Raghunathpur revealed that his services was terminated with effect from 16.05.1970 and was re-instated on 21.07.1971. However, the husband of the Petitioner left the school on 23.08.1973 and did not turn up. It is taken as a stand by the Opposite Parties that since the husband of the Petitioner did not turn up till his retirement, the action of the authorities is justified in terms of the Rule 72(i) and 72(2a) of the Odisha Service Code and since the Petitioner's husband did not

have continuous 10 years of service, the question of family pension does not arise.

5. None appears for the Petitioner at the time of call.

6. In view of the aforesaid stand taken by the Opposite Parties in the counter reply, the writ petition stands disposed of.

(M.S. Raman)
Judge

Jyostna

