

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.28565 of 2022

Tapati Das

....

Petitioner

Mr. Srinivas Mohanty, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. A. Behera, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER
31.10.2022

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 learned counsel for the State. Perused the record.

3. The present writ petition has been filed by the petitioner with the following prayers:

“The petitioner, therefore, prays that Your lordships would graciously be pleased to admit this writ petition, call for the records and after hearing the parties direct the Ops to release the family pension in favour of the petitioner,

AND pass any other and/or further order as deemed fit and proper and the circumstances of the case.”

4. It is submitted by learned counsel for the petitioner that the petitioner, who happens to be the second wife of the deceased Government employee, is entitled to get family pension. However,

learned counsel for the petitioner further submits that the petitioner has not submitted any application in that regard.

5. Learned counsel for the State submits that let the petitioner be submitted an appropriate application as per rule. In the event such application is filed by the petitioner, the same shall be considered as per rule.

6. Considering the submissions made by the learned counsel for the respective parties, this Court disposes of the writ petition at the stage of admission with a direction to the petitioner to file a comprehensive representation before the competent authority within a period of two weeks from today and the competent authority is directed to consider the comprehensive representation of the petitioner in accordance with rule within a period of eight weeks from the date of production of certified copy of this order. It is needless to mention here that the comprehensive representation of the petitioner shall be considered and disposed of by passing a speaking and reasoned order. The decision so taken on the said comprehensive representation shall be communicated to the petitioner within a period of two weeks thereafter.

7. With the aforesaid observation/direction, the writ petition is disposed of.

Urgent certified copy of this order be granted on proper application.

(A.K. Mohapatra)
Judge