

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.29110 of 2022

Binodini Pattnaik

.... ***Petitioner***
Mr. H.K. Dash, Advocate

-versus-

State of Odisha & Others

.... ***Opp. Parties***
Mr. N.K. Praharaj, AGA

CORAM:
JUSTICE A.K. MOHAPATRA

ORDER
21.11.2022

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 Additional Government Advocate appearing for the State-Opposite Parties.
3. The present writ petition has been filed by the Petitioner with the following prayers:

“Under the circumstances, it is humbly prayed that this Hon’ble Court may graciously be pleased to issue a writ in the nature of mandamus or any other appropriate writ, direction or order by directing the Opp. Parties to release the family pension in favour of the Petitioner with immediate effect.

Further be pleased to direct the Opp. Parties to pay the arrear dues of the family pension within the stipulated period as deemed fit and proper in the facts and circumstances of the case.

And may further be pleased to pass any other writ/writs, order/orders, direction/directions as deemed fit and proper.”

4. It is submitted by the learned counsel for the Petitioner that the present Petitioner is the second wife of the deceased Government employee, namely, late Sadasiba Dash, Ex MPHWM. It is further submitted that after the death of the first wife, the Petitioner got married for the second time and she is one of the legal heir of the deceased Government employee. Accordingly, pension papers were submitted for sanction and disbursement of pension in favour of the Petitioner. Further, addressing to the letter No.945 dated 27.04.2022 issued by the Superintendent, CHC Madhyakhanda, Nayagarh to the Chief District Medical & Public Health Officer, Nayagarh, learned counsel for the Petitioner submits that the Superintendent, CHC Madhyakhanda, Nayagarh has already recommended the case of the Petitioner to the Chief District Medical & Public Health Officer, Nayagarh. However, no decision has been taken on such recommendation.

5. Learned counsel for the State, on the other hand, submits that since the matter is subjudice before the Chief District Medical & Public Health Officer, Nayagarh, a direction be issued to the Opposite Party No.3-Chief District Medical & Public Health Officer, Nayagarh, who is the competent authority, to take a decision in the matter.

6. Considering such submission, this writ petition is disposed of at the stage of admission with a direction to the Opposite Party No.3-Chief District Medical & Public Health Officer, Nayagarh to take a decision on the recommendation of the Opposite Party No.5-Superintendent, CHC Madhyakhanda, Nayagarh vide his letter No.945 dated 27.04.2022 within a period of four weeks from the date of production of certified copy of this order. Petitioner is directed to

approach the Opposite Party No.3 along with certified copy of this order within two weeks from today. Further, it is directed that in the event, the Opposite Party No.3 comes to a conclusion that the Petitioner is entitled to get pensionary benefit in respect of the Government employee, namely, late Sadasiba Dash, then every endeavour shall be made by the Opposite Parties to disburse the pensionary benefits in favour of the Petitioner within six weeks thereafter with proper intimation.

(*A.K. Mohapatra*)
Judge

Debasis

