

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.29468 of 2022

Anasuya Samantaray

..... Petitioner
Mr.P.R.Chhatoi, Advocate

-versus-

State of Odisha and others

..... Opposite Parties
Mr.A.Behera, A.S.C.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

11.11.2022

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner and learned Additional Standing Counsel.
3. The Petitioner has filed the present writ application with the following prayer:

“ In the above facts and circumstances, the Petitioner, therefore, most humbly prays that your Lordship would be graciously pleased to admit the writ petition, issue notice to the opposite parties and after hearing the counsel for the parties, this Hon’ble Court be further pleased to direct the Opposite Parties, more particularly to the Opposite Party No.3 to issue “ No Dues Certificate” in favour of her late husband Jnanendra Kumar Nayak in order to get the family pension and other retirement benefits of her late husband within a stipulated time as would be fixed by this Hon’ble Court;

Ad/or pass such other order/direction as deem fit and proper in the facts and circumstances of the case.”

4. Learned counsel for the Petitioner submits that the Petitioner who is the wife of the deceased Government employee late Jnanendra

Kumar Nayak had applied for grant of family pension and other retiral benefits as is due and admissible to the deceased Government employee. However, the authorities have not taken any final decision as of now. Being aggrieved by such inaction the Petitioner has filed a representation on 04.07.2022 under Annexure-7. The Additional District Magistrate, Puri vide letter No.1857 dated 08.08.2022 under Annexure-8 asked the Tahsildar, Pipli to issue “No Dues Certificate” in favour of the deceased Government employee namely J.K.Nayak who is working as SRA, ICDS, Astarang and died on 04.09.2021 and further the Tahsildar was asked to look into the matter personally and to sanction the family pension and other retiral benefit as is due and admissible . Learned counsel for the Petitioner further submits that even after letter dated 08.08.2022 was received by the Tahsildar no tangible action has been taken.

5. Learned Additional Standing Counsel on the other hand submits that he has no objection if a direction is given to the Tahsildar to act on the letter of the Additional District Magistrate, Puri dated 08.08.2022 and to do the needful within a stipulated period of time.

6. Having heard learned counsel for the parties and upon perusal of the materials placed before this Court, this Court disposes of the writ application, without expressing any opinion on the merits of the matter by directing the Tahsildar, Pipli, Opposite Party No.3 to act upon the letter No.1857 dated 08.08.2022 issued by the Additional District Magistrate, Puri expeditiously preferably within a period of four weeks from the date of presentation of certified copy of this order. Further, the Collector, Puri, Opposite Party No.2 is directed to ensure that the family pension and other retiral benefit as is due and admissible is sanctioned and released in favour of the family of the

Government deceased employee within a period of three months. Upon receipt of “ No Dues Certificate” the CDPO, Opposite Party No.4 is directed to submit the pension papers within four weeks from the date of receipt of “No Dues Certificate” from the competent authority. The authorities are directed to act upon the certified copy of this order presented by the Petitioner.

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

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

RKS

