

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC(OAC) No. 3794 of 2012

Kusuma Mantry

....

Petitioner

None

-versus-

State of Odisha & others

....

Opp. Parties

*Mr. Sudhir Ku. Patra, Standing
Counsel for the Accountant General
(opposite party no.1)*

*Mr. S. Jena, SC (S & ME) for opposite
party no.2*

**CORAM:
JUSTICE M.S. SAHOO**

**ORDER
04.03.2022**

Order No.
02.

This matter is taken up through hybrid mode.

None appears for the petitioner. None had also appeared when the matter was called on 23.02.2022.

The facts and contentions raised in the present case were dealt with in detail in the order dated 23.02.2022, which is reproduced below:-

“This matter is taken up through hybrid mode.

None appears for the petitioner.

The writ petition has been registered before this Court on 1st December, 2021, after the original application was transferred from the learned Odisha Administrative Tribunal, Cuttack Bench, Cuttack upon its abolition.

On perusal of the available order sheets of the learned Tribunal, it is indicated that the matter was never taken up after 14.01.2016.

The original application was filed before the learned Tribunal in the year 2012, when the petitioner was 53 years of age with a prayer for sanction and disbursement of family pension claimed towards the services rendered by her deceased-husband as a Teacher of the M.E. School, Kattiniga in the district of Kandhamal.

Learned Standing Counsel for opposite party no.1 referring to the reply filed on behalf of the Accountant General (A & E), Orissa before the Tribunal, submits that the pension paper of the deceased Sri Innocencio Mantry by letter dated 06.04.2000 of the District Inspector of Schools, B.K. Circle, Phulbani was duly processed and family pension was granted to the beneficiaries as contained in the pension papers (documents as mentioned in letter dated 06.04.2000).

It is further submitted that there could be inter se dispute between two parties claiming to be the two wives of the deceased employee, but the said question of fact is contrary to the records submitted before the appropriate authority for sanction of pension. It is not disputed that the person who was named by Innocencio Mantry in the pension papers submitted, is getting the pension.

Mr. Mohanty, learned Standing Counsel for the School and Mass Education Department-opposite party no.2 submits that they have acted thoroughly innocently in processing the pension papers of the deceased Mr. Innocencio, which has resulted into grant and sanction of the pension/family pension and dispute among any other persons seeking claim towards the family pension is beyond scope of the present adjudication either before the erstwhile Tribunal or before this Court.

To grant another opportunity to the petitioner, list on 3rd March, 2022.”

Since no one appears on behalf of the petitioner to pursue the matter, despite the matter being listed on several occasions, the writ petition is dismissed for non-prosecution.

(M.S. Sahoo)
Judge