

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P (C) No. 29076 of 2019

Kalpana @ Priyanka Gochhayat

.....

Petitioner

Mr. T. Panigrahi, Adv.

Vs.

State of Orissa and others

.....

Opposite parties

Mr. S. Nayak, ASC

CORAM:

DR. JUSTICE B.R. SARANGI

MISS JUSTICE SAVITRI RATHO

ORDER

26.04.2022

Order No.

03.

This matter is taken up through hybrid mode.

2. Heard Mr. T. Panigrahi, learned counsel for the petitioner and Mr. S. Nayak, learned Addl. Standing Counsel for the State-opposite parties.

3. The petitioner has filed this writ petition seeking to quash the order dated 03.04.2019 passed in O.A. Nos. 2325 and 2326 of 2016, by which the Odisha Administrative Tribunal, Cuttack Bench, Cuttack has rejected the claim of the petitioner with regard to disbursement of pensionary benefits, as well as for grant of compassionate appointment.

4. Mr. T. Panigrahi, learned counsel for the petitioner contended that in paragraph-5 of the order impugned, the tribunal has made specific observation that no application has been received from the brothers of late Kailash Raj regarding appointment in Class-IV post under the rehabilitation assistance scheme, and the deceased Kailash Raj was working in Class-IV post in Anti T.B. Demonstration Training Centre, Cuttack, who had not submitted any marriage related certificate or any other relevant document as per records, before his demise. After his death, though the petitioner sent advocate notice enclosing xerox

copy of the marriage invitation and joint photograph of the petitioner and late Kailash Raj, but no death certificate or legal heir certificate has been furnished by the petitioner before opposite party no.3. Therefore, the pensionary benefits of late Kailash Raj have not yet been disbursed to anybody. It is contended that the petitioner has already received the death certificate and is going to receive the legal heir certificate. Therefore, the petitioner may be permitted to make fresh application before the authority and direction may be given to the authority to consider the same afresh and pass appropriate order in accordance with law.

5. Mr. S. Nayak, learned Addl. Standing Counsel for the State-opposite parties contended that the petitioner has not filed any document before the authority justifying her claim with regard to pensionary benefits of the deceased employee and, as such, nothing has been placed on record with regard to grant of compassionate appointment under rehabilitation assistance scheme. Due to non-production of relevant documents, the order impugned has been passed by the tribunal which does not warrant any interference by this Court.

6. Having heard learned counsel for the parties and after going through the records, this Court finds that due to non-production of relevant documents, the tribunal has passed the order impugned and, as such, the tribunal is well justified in rejecting the claim of the petitioner, to which this Court is not inclined to interfere with the same. But in course of hearing, Mr. T. Panigrahi, learned counsel for the petitioner submitted that the petitioner has already received the death certificate of the deceased and is going to receive the legal heir certificate. In such view of the matter, since

the petitioner has already received the relevant documents, as required by the authority, she may make a fresh application before the authority and in such event the authority shall consider the same afresh and pass appropriate order in accordance with law, as expeditiously as possible.

7. With aforesaid observation and direction, the writ petition stands disposed of.

(DR. B.R. SARANGI)
JUDGE

(SAVITRI RATHO)
JUDGE

Ashok/Puspa

