

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OAC) No. 1409 of 2011

Aseli Sahu

....

Petitioner

Mr. B.R. Barik, Advocate

-Versus -

State of Odisha & Others

....

Opposite Parties

Mr. N.K. Praharaj, Addl. Govt. Advocate

CORAM:

JUSTICE SASHIKANTA MISHRA

ORDER

28.07.2022

Order No.
08.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for the petitioner and learned Addl. Govt. Advocate for the State.
3. One Kunja Sahu was working as Class-IV employee under the opposite party no.4 and retired from service on attaining the age of superannuation. It is stated that he received pension till his death on 14.06.1971. His widow, Aseli Sahu, three daughters and son, who are his legal heirs, submitted several applications before the opposite party authorities for grant of family pension with death gratuity and arrear pension, but no action was taken on the same. Being aggrieved by such inaction, the legal heirs approached the erstwhile Odisha Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No. 1409(C)/2011, which has since been transferred to this Court and registered as the instant writ application. The relief claimed by the petitioner is as follows:

“Admit the OA, call for records and after hearing the parties direct the Respondents to pay the family pension of the applicant with the arrears of family pension w.e.f. 14.06.1971 and also pay the current family pension regularly within a time to be stipulated by this Hon’ble Tribunal.”

4. Be it noted here that during pendency of the writ application, the original petitioner no.1, namely Aseli Sahu has expired and presently, all the other legal heirs are on record.

5. In course of hearing, it is brought to the notice of the Court by learned State Counsel that the matter is unable to be processed for want of relevant records which are said to be untraceable in the Administrative Department. The opposite party no.4 vide letter dated 22.07.2022, a copy of which has been filed by learned Addl. Government Advocate in Court today, has requested the office of the Accountant General, Odisha to furnish the previous pension papers of the deceased, Kunja Sahoo as the same is a vital document to consider the claim of his legal heirs for grant of family pension.

6. Having regard to the above facts, this Court finds no justified reason to keep the writ petition pending. Therefore, the writ petition is disposed of directing the opposite party authorities to take all necessary steps to process the application of the petitioners for grant of family pension and other benefits, if necessary, by reconstructing the relevant records within a period of two months from the date of communication of this order or on production of certified copy thereof by the petitioner.

7. The writ petition is disposed of accordingly.

8. Issue urgent certified copy as per rules.

(Sashikanta Mishra)
Judge

A.K. Rana