

IN THE HIGH COURT OF ORISSA AT CUTTACK

WPC (OA) No. 1067 of 2019

Lalita Samantaray

.....

Petitioner

None

Vs.

State of Orissa and others

.....

Opposite Parties

Mr. A.K. Mishra, AGA

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

10.10.2022

Order No.

02.

This matter is taken up through hybrid mode.

2. None appears for the petitioner at the time of call. Heard Mr. A.K. Mishra, learned Additional Government Advocate for the State. Perused the record.

3. The petitioner has filed this writ petition seeking to quash the order dated 02.11.2015 under Annexure-5 and the order dated 20.11.2005 under Annexure-6 whereby the claim of the petitioner for grant of family pension was denied on the ground that the divorced wife is not eligible to receive Family Pension.

4. Mr. A.K. Mishra, learned Additional Government Advocate for the State contended that the rejection of the claim of the petitioner for grant of family pension on the ground of divorced wife was passed on 02.11.2005, but the petitioner approached the tribunal by filing the Original Application on 13.03.2019, i.e. after more than 13 years and therefore, the writ petition suffers from delay and laches.

5. Having heard learned Additional Government Advocate and after going through the records, it appears that if the order dated 02.11.2005 has been challenged in the year 2019, it is grossly barred by limitation as per Orissa Administrative Tribunal's Act, as because, the petitioner has approached the tribunal much beyond the one year period of limitation prescribed in the Act. Otherwise also, after abolition of the Tribunal when

the O.A. was transferred and registered as Writ Petition, the order impugned having been challenged after long lapse of more than 13 years, the writ petition also suffers delay and laches.

6. In view of the above, the writ petition stands dismissed.

Arun

(DR. B.R. SARANGI, J.)

