

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.31900 of 2022

Smt. Alata Mohanta

.... ***Petitioner***
Mr. B.C. Patra, Advocate

-versus-

State of Odisha & others

.... ***Opp. Parties***
Mr. N.K. Praharaj, AGA

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

29.11.2022

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 Government Advocate appearing for the State-Opposite Parties.
3. The present writ petition has been filed by the Petitioner with the following prayers:

“It is therefore prays that your Lordships would graciously please to issue a Rule NISI calling upon the Opposite Parties to show cause as to why monthly pension released in favour of the Opposite Party No.4 shall not be stopped and half of pension amount, gratuity and arrear shall not be given to the petitioner the mother-in-law and the Opposite Party No.4, Saraswati Mohanta, wife of late Rabindranath Mohanta each or in the alternative issue a writ in nature of mandamus directing the Opposite Parties to dispose of the representation pending before the Opposite Party

No.3 with regard to the half amount of pension for her maintenance with short stipulated period.

And pass such other order/orders as would be deem fit and proper to the facts and circumstances of the case.”

4. Learned counsel for the Petitioner submits that the Petitioner is entitled to half of the pension amount, gratuity and arrear payable to the deceased Government employee and with regard to that, he has filed a representation before the Opposite Party No.3-D.F.O. Karanjia Division on 8.9.2022 under Annexure-3 Series.

5. Learned Additional Government Advocate appearing for the State-Opposite Parties submits that since the representation of the Petitioner under Annexure-3 is pending before the Opposite Party No.3-D.F.O. Karanjia Division, a direction may be issued to the Opposite Party No.3 to take a decision on the representation of the Petitioner by providing opportunity of hearing to both the sides.

6. Considering such submission, this Court disposes of the writ petition at the stage of admission by directing the Opposite Party No.3 to take a decision on the representation of the Petitioner under Annexure-3 within a period of two months from the date of receipt of certified copy of this order. Further, it is directed that before taking a final decision on the representation of the Petitioner, the Opposite Party No.3 shall do well to provide opportunity of hearing to the

Petitioner as well as Opposite Party No.4 and thereafter pass a speaking and reasoned order. The decision so taken thereon shall be communicated to the Petitioner and Opposite Party No.4 within two weeks thereafter.

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

Debasis

