

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.32102 of 2022

Sandhyarani Sahani

....

Petitioner

Mr. P.K. Panda, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. N.K. Praharaj, A.G.A.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

30.11.2022

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the petitioner as well as learned Additional Government Advocate.
3. The present writ application has been filed by the petitioner for a direction to the Opposite Parties to sanction and release family pension in her favour with effect from the date of death of her husband i.e. 29.12.2014 forthwith.
4. It is submitted by the learned counsel for the petitioner that the husband of the petitioner was appointed as VLW by the Collector, Phulbani, Opposite Party No.4 and joined on 01.07.1988 under the administrative control of Block Development Officer, Baliguda in the erstwhile district of Phulbani (now Kandhamal). During his service the husband of the petitioner passed away on 29.12.2014 leaving behind his wife and two daughters as his legal heir. It is also

submitted by the learned counsel for the petitioner that the petitioner has served as VLW in the district of Kandhamal for a period of 26 years.

5. Learned counsel for the petitioner states that similar question had come up for consideration before a Division Bench of this Court in W.P.(C) No.2831 of 2016 disposed on 27.06.2016 (***State of Odisha and another v. Bihari Lal and others***), which was arising out of an order dated 12.03.2015 passed by the State Administrative Tribunal in O.A. No.520 of 2014 and this Court quashed the order dated 21.12.2013 (wrongly mentioned as 21.12.2012 in the judgment) and held that the applicants are eligible to get financial upgradation in the posts of GPEO/PA, ABDO/SDPO and DPO on completion of 10/20/30 years of service in the post of VLW under the RACP scheme. Therefore, the petitioner's case may be considered in the light of the said judgment.

6. It is also submitted by the learned counsel for the petitioner that the Opposite Parties be directed to consider the case of the petitioner as per the settled law decided in the case of ***State of Odisha-vrs.-Biharilal Barik*** decided by this Court in W.P.(C) No.20358 of 2017 decided on 23.08.2017.

7. Considering the limited nature of prayer of the petitioner Principal Accountant General (A&E), Odisha, Opposite Party No.3 shall do well to consider the case of the petitioner within a period of two months from the date of production of a certified copy of this order. The decision so taken shall be communicated to the petitioner within a period of two weeks from the date of such decision. The case of the petitioner shall be considered by the Opposite Party Nos.3 & 4 in the light of the judgment in the case of ***State of Odisha-vrs.-***

Biharilal Barik decided by this Court in ***W.P.(C) No.20358 of 2017*** decided on 23.08.2017. The writ petition stands disposed of directing the Competent Authority to dispose of the case of the petitioner by undertaking the entire exercise within a period of two months from the date of communication.

8. With the aforesaid observation, the writ application stands disposed of.

Urgent certified copy of this order be granted on proper application.

(***A.K. Mohapatra***)
Judge

Jagabandhu

