

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 38940 of 2021

Tilottama Jena

....

Petitioner

Mr. N.C. Jena, Advocate

-Versus -

State of Odisha and another

....

Opp. Parties

CORAM:

DR. JUSTICE B.R. SARANGI

ORDER

12.01.2022

Order No.

02

This matter is taken up through video conferencing mode.

2. The petitioner has filed this writ petition seeking direction to the opposite parties no.1 to 3 not to pass any adverse order on the pension or financial benefits on the basis of Annexure-3 without giving any opportunity to her.

3. Mr. N.C. Jena, learned counsel for the petitioner contended that the husband of the petitioner while working as a peon under opposite party no.3 died on 17.01.2021 and, thereafter, the petitioner approached opposite party no.3 for extension of family pension, which was allowed to her. Consequence thereof, the petitioner is getting the final pension as due and admissible to her. But opposite party no.4-Kishore Kumar Jena approached this Court by filing W.P.(C) No.27312 of 2021 claiming the same benefit and this Court disposed of the said writ petition vide order dated 22.09.2021 directing the authority to consider the grievance of opposite party no.4. It is thus contended that this writ petition may be disposed of directing the authority while considering the representation of opposite party no.4 in pursuance of the order dated 22.09.2021, the petitioner should be given opportunity of hearing before passing any order by opposite party no.3. It is further contended that opposite party no.4-Kishore Kumar Jena, who has

filed W.P.(C) No.27312 of 2021 is not entitled to get the benefits as claimed in said writ petition.

4. Mr. S. Nayak, learned Addl. Standing Counsel contended that direction may be given to the opposite party no.3 to consider the representation filed by opposite party no.4 the petitioner in W.P.(C) No.27312 of 2021, and while considering such representation, opportunity of hearing should be given to the petitioner herein.

5. Having heard learned counsel for the parties and after going through the records, this writ petition stands disposed of directing opposite party no.3 while considering the representation of opposite party no.4-Kishore Kumar Jena, in pursuance of the order dated 22.09.2021 passed in W.P.(C) No.27312 of 2021, opportunity of hearing be given to the petitioner in W.P.(C) No. 38940 of 2021 before passing any order thereof. Till the representation filed by opposite party no.4-Kishore Kumar Jena is considered, no coercive action shall be taken against the petitioner herein.

As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a print out of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed, vide Court's Notice No.4587 dated 25th March, 2020, as modified by Court's notice no. 4798 dated 15th April, 2021, and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January, 2022.

(Dr. B.R. Sarangi)
Judge

Ashok