

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 33642 of 2022

Arupama Rath

....

Petitioner

Mr. D. Mishra, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. B.P. Tripathy, AGA

*Mr. S.K. Patra, SC appearing
for the Account General of Odisha*

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

19.12.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the Petitioner, learned counsel for the State-Opposite Parties No.1 and 2 and learned Standing Counsel appearing for the Opposite Party No.3.
3. The Petitioner has filed the present writ petition with the following prayer:-

“Under the aforesaid facts and circumstances, it is, therefore, prayed that this Hon’ble Court may be graciously pleased to issue a ‘Rule-Nisi’ calling upon the Opposite Parties to show-cause as to why a writ in the nature of mandamus or any other appropriate writ or writs shall not be issued directing the Opposite Parties to grant and sanction family pension in favour of the petitioner with effect from the date of entitlement, i.e., 18.02.2020 within a time to be stipulated by this Hon’ble Court and if the Opposite parties fail to show cause or show insufficient cause make the said rule absolute.

Pass such other order/orders and/or writ/writs as this Hon'ble Court may deem fit and proper."

4. It is submitted by the learned counsel for the Petitioner that the Petitioner wants to make a fresh representation before the authority concerned with a direction from this Court to the authority to consider the case of the Petitioner within a stipulated period of time.

5. Learned counsel for the State-Opposite Parties submits that he has no objection if the Petitioner is permitted to file a fresh representation before the authority concerned with a direction to the authority concerned to consider the representation of the Petitioner in accordance with law within the stipulated period of time.

6. Considering such submission and without expressing any opinion on the merit of the case, this Court disposes of the writ petition permitting the Petitioner to make a fresh representation before the Opposite Party No.2 within a period of two weeks from today and in the event such representation is filed before the Opposite Party No.2, the Opposite Party No.2 shall do well to consider and dispose of the same by taking into account the Annexure-4 as well as the judgment of this Court in the case of ***Sujata Mohanty v. Berhampur University and Ors.*** (W.P.(C) No.8541 of 2019 decided on 14.07.2021) by passing a speaking and reasoned order within a period of two months from the date of filing of such representation and the decision thereof so taken shall be communicated to the Petitioner within two weeks thereafter. Further, the Petitioner is directed to cooperate with the authorities

and submit necessary documents for processing of the pensionary benefits.

(A.K. Mohapatra)
Judge

Debasis

