IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.10678 of 2026

Manmath Nath Mohanty ..... ***Petitioner***

Represented by Adv. -
Atul Tripathy

Mr. B.S. Tripathy, Sr. Adv.

-versus-

State Of Odisha and others ..... ***Opposite Parties***

Mr. S. Behera, AGA

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR MOHAPATRA

ORDER
09.04.2026

Order No.

01. 1. This matter is taken up through Hybrid mode.

2. Heard Mr. B. S. Tripathy, learned Senior Counsel for the Petitioner as well as the learned counsel for the State-Opposite Parties. Perused the writ petition as well as the prayer made therein.

3. By filing the present writ petition, the Petitioner, who happens to be the husband of a deceased-government employee, namely Anjali Pattnaik, has approached this Court challenging the impugned order dated 28.01.2026 at Annexure-14 to the writ petition passed by the Controller of Accounts, Odisha, Bhubaneswar, thereby requesting the Petitioner to return the pension papers in PPO No.120501 for cancelation of family pension that was initially allowed in favour of the present Petitioner.

4. Learned Senior Counsel for the Petitioner at the outset contended that the above named government employee died on 05.06.2025. He further submitted that till death of the government employee she was receiving the pensionary benefits. The Petitioner, who was also a government employee, retired from service w.e.f. 31.03.2011. Learned senior counsel for the Petitioner further submitted that the wife of the present Petitioner was initially appointed as NF Instructor in Khurda District on 20.01.1986 and then as an Asst. Teacher on 23.07.1998. The wife of the present Petitioner continued in government service till her retirement on 22.07.2018 and after her retirement she was receiving pensionary benefits.

5. Learned Senior Counsel for the Petitioner at this juncture contended that the sole grievance of the Petitioner in the present writ petition is that after death of the wife of the present Petitioner on 05.06.2025 the Petitioner submitted an application for grant of family pension. Such application was initially allowed by the Controller of Accounts, Odisha. Subsequently, by virtue of the impugned letter dated 03.10.2025 at Annexure-12 the Sub-Treasury Officer, Tangi raised an objection on the ground that the deceased-government employee happens to be the second wife of the present Petitioner. Accordingly, it was recommended that the family pension in favour of the present Petitioner be cancelled. After order dated 03.10.2025 the Petitioner approached the Opposite Party No.4 by filing a representation dated 10.10.2025 to reconsider the decision along with the relevant documents. However, without considering the representation of the Petitioner as well as the documents filed along with the representation, the Opposite Party No.4 vide order dated 28.01.2026 at Annexure-14 decided to cancel

the family pension that was earlier sanctioned in favour of the present Petitioner. Being aggrieved by such order, the Petitioner has approached this Court by filing the present writ petition.

6. Learned counsel for the State on the other hand contended that on the basis of the complaint received from the Sub-Treasury Officer, Tangi, the Controller of Accounts, Odisha, Bhubaneswar after due examination has passed impugned order thereby cancelling the family pension that was earlier sanctioned in favour of the present Petitioner. He further contended that since the deceased-government employee was the second wife of the Petitioner, he is not entitled to the pensionary benefits. In such view of the matter, learned counsel for the State contended that the Opposite Parties have not committed any illegality in passing the impugned order dated 28.01.2026 at Annexure-14. In such view of the matter, the learned counsel for the State further contended that the present writ petition, being devoid of merit, is liable to be dismissed.

7. Having heard the learned counsels appearing for the respective parties, on a careful examination of the background facts, further on a close scrutiny of the documents annexed to the writ petition, and on a careful examination of the impugned orders at Annexure-12 & 14, this Court found that the Opposite Parties while cancelling the family pension sanctioned in favour of the Petitioner have not provided any reason for doing so. Moreover, the provision contained in Rule-56 of the Odisha Pension Rules, 1992 provides grant of pensionary benefits in favour of the second wife. In the aforesaid factual backdrop, this Court is of the view that the case of the Petitioner has not been duly considered by the Opposite Parties. Accordingly, this Court is of the view that the impugned order dated

28.01.2026 at Annexure-14 is unsustainable in law. Hence, the same is hereby quashed. Further, the matter is remanded back to the Opposite Party No.4 to consider the issue afresh by providing opportunity of hearing to the Petitioner. Let the Opposite Party No.4 take a fresh decision in the matter by taking into consideration Rule-56 of the Odisha Pension Rules, 1992 as well as the representation of the Petitioner dated 10.10.2025 at Annexure-13 within a period of eight weeks from the date of communication of a certified copy of today's order. The representation of the Petitioner shall be considered strictly in accordance with law and shall be disposed of by passing a speaking and reasoned order. The final decision so taken be communicated to the Petitioner within ten days thereafter.

8. With the aforesaid observations/directions, the writ application stands disposed of.

Issue urgent certified copy of this order as per Rules.

(Aditya Kumar Mohapatra)
Judge

S.K. Rout

Signature Not Verified
Digitally Signed
Signed by: SANTANU KUMAR ROUT
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 15-Apr-2026 14:19:58