

06. 31.07.2018 Heard learned Standing Counsel for the School & Mass Education Department for the petitioners and learned counsel appearing for opposite party No.1.

Petitioners-State Authorities in this writ petition assail the order dated 22.8.2016 passed by the Odisha Administrative Tribunal, Cuttack Bench, Cuttack in O.A. No. 342(C) of 2010 wherein the Tribunal directed to submit all the document relating to family pension of the applicant to A.G.(A&E), Odisha, Bhubaneswar for sanction of the pension.

ks The opposite party-applicant approached the Tribunal in the aforesaid original application to direct the respondents to grant her family pension challenging the letter dated 30.7.2002 issued by opposite party No.3-Accountant General, Odisha, Bhubaneswar to D.I. of Schools, Bhadrak stating therein that the family pension is not admissible in favour of the applicant. She has averred that she is the widow of late Bhagirathi Mohanty who died on 5.12.1976 while working as Headmaster in Palaspur U.P. School in the district of Bhadrak. It was also stated that similarly situated persons were getting family pension and retiral benefit as per the Orissa Non-Government Primary School Teachers' Contributory Provident Fund Pension (Triple Benefit) Rules, 1966, the same be extended to her also. The Tribunal taking into consideration the decision of this Court in the case of Subarna Didya and batch of cases reported in 2005(I)OLR 168 passed the aforesaid impugned order.

In course of hearing the learned counsel for the applicant informed that one Nirupama Dibya w/o Late Panigrahi Jameswar Dash has received such family pension vide pension payment order PPO No. 30537 SP/TBS debitable to Orissa Government under the Head of Account 2071-Pension & O.R.B. The learned counsel for the opposite party-applicant has filed copy of those documents before this Court. The aforesaid facts are not in dispute. By order dated 2.7.2018 this Court directed the learned Standing Counsel for the School & Mass Education Department to obtain instruction on the said fact.

The learned Standing Counsel for the School & Mass Education Department on instruction submits that in the meantime the Government has considered the claim of applicant to grant benefit as it was done in the case of Nirupama Dibya w/o Late Panigrahi Jameswar Dash.

Considering the above, we modify the impugned order to the above extent by directing the petitioners to verify the documents and extend the benefits as it was done in the case of Nirupama Dibya w/o Late Panigrahi Jameswar Dash. The entire exercise shall be completed within a period of eight weeks.

Accordingly the writ petition is disposed of.

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S. Panda, J

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K.R.Mohapatra, J

