

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.23838 of 2023

Smt. Lilima Behera

....

Petitioner

Mr. Amit Kumar Das, Advocate

-versus-

State of Odisha

....

Opp. Parties

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

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

31.07.2023

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 counsel for the State-Opposite Parties.
 3. The present writ petition has been filed by the Petitioner with the following prayers:-

“It is, therefore, humbly prayed that this Hon’ble court may graciously be pleased to:-

- a) Allow this Writ petition and direct the O.P. to dispose the representation of the petitioner dated 28th October, 2022 within a time period as fixed by this Hon’ble Court.*
- b) And pass any other order/orders, direction/directions which this Honourable Court may deem fit and proper in the circumstances of this case.”*

4. It is submitted by learned counsel for the Petitioner that the father-in-law of the Petitioner was working as a Lunch Driver under the Special Relief Commissioner, Government of Odisha. He further contended that while working as such, the father-in-law of the Petitioner has retired from service on attaining the age of superannuation and he was getting the pensionary benefits and after the death of the father-in-law of the Petitioner, the husband of the Petitioner, who is the son of the deceased Government employee, is entitled to the family pension as a disabled son. It is further contended by the learned counsel for the Petitioner that the husband of the Petitioner, namely, Sanjaya Kumar Behera is a chronic schizophrenia patient and his disability has been assessed by the Medical Authority at 70%. In such view of the matter, learned counsel for the Petitioner submitted that the husband of the Petitioner is entitled to the family pension under the OCS (Pension) Rules, 1992.

5. Learned counsel for the Petitioner further submitted that the Petitioner has submitted a representation to the office of the Special Relief Commissioner, Odisha, Bhubaneswar for grant of family pension in favour of the husband of the present Petitioner on 28.10.2022 under Annexure-4 to the writ petition. It is stated that the said representation is pending for consideration and no final decision has been taken.

6. Learned Additional Government Advocate appearing for the State-Opposite Parties, on the other hand, submitted that

since the representation of the Petitioner is pending before the sole Opposite Party, a direction be given to the said Opposite Party to consider the same in accordance with law within a stipulated period of time and he will have no objection to the same.

7. Considering the submission made by the learned counsel appearing for the parties and on a careful examination of the background facts as well as the limited nature of grievance involved in the present writ petition, this Court deems it proper to dispose of the writ petition at the stage of admission by directing the sole Opposite Party to consider and dispose of the representation of the Petitioner dated 28.10.2022 under Annexure-4 to the writ petition within a period of two months from the date of communication of this order by the Petitioner. The decision so taken thereon be communicated to the Petitioner within two weeks thereafter.

8. With the aforesaid observation and direction, the writ petition is disposed of.

(A.K. Mohapatra)
Judge

Debasis

Signature Not Verified

Digitally Signed
Signed by: DEBASIS AECH
Designation: Secretary
Reason: Authentication
Location: OHC CUTTACK
Date: 02-Aug-2023 11:29:01

