



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.2372 of 2026

Saibani Sahu @ Sahebani Sahu

Petitioner

Mr. B. Ray, Advocate

-versus-

State of Odisha & Ors.

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Opposite Parties

Mr. P.P. Behera, ASC

Mr. S.K. Patra, Advocate

(Opp. Party Nos. 2 & 3)

CORAM:

THE HON'BLE MR. JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

24.02.2026

Order No.02

1. This matter is taken up through hybrid mode.
2. Heard Mr. B. Ray, learned counsel appearing for the Petitioner, Mr. P.P. Behera, learned Addl. Standing Counsel appearing for the State-Opp. Parties and Mr. S.K. Patra, learned counsel appearing for Opp. Party Nos. 2 & 3.
3. The present writ petition has been filed inter alia challenging the communication dtd.15.10.2025 so issued by Opp. Party No. 1 under Annexure-1. As per the said communication, family pension sanctioned in favour of the Petitioner was directed to be stopped immediately until further orders.
4. Learned counsel appearing for the Petitioner contended that Petitioner being the unmarried daughter of the deceased employee, she was sanctioned with the benefit of family pension vide sanction order issued under Annexure-3 w.e.f.05.05.2021. It is contended that such benefit of family pension was sanctioned basing on the pension papers submitted by the pension sanctioning authority to the office of Accountant General-Opp. Party No. 2.



4.1. But without any rhyme and reason and without issuing any show-cause vide the impugned communication, Opp. Party No. 3 has directed the concerned treasury officer-Opp. Party No. 7 to stop the family pension until further orders.

4.2. It is contended that since on being satisfied with the claim made by the Petitioner and the recommendation made by the pension sanctioning authority, family pension was sanctioned in favour of the Petitioner vide order under Annexure-3, there was no occasion to issue the impugned letter with a direction to stop the same immediately until further orders without any show-cause and by following the principle of natural justice.

4.3. It is also contended that status of the Petitioner as the unmarried daughter of the deceased employee which is apparent on the face of the legal heir certificate issued by the competent authority under Annexure-2 series, could not have been doubted after such sanction of the benefit.

5. Basing on the order passed by this Court on 05.02.2026, Mr. S.K. Patra, learned counsel appearing for Opp. Party Nos. 2 & 3 produced the instruction so provided by way of a counter affidavit with service of copy on the learned counsel appearing for the Petitioner.

5.1. Basing on the stand taken in the counter affidavit, it is contended that, when Petitioner was sanctioned with the family pension vide order under Annexure-3, since an allegation was made by her own brother that Petitioner has got married in the meantime, an enquiry was conducted in that regard with submission of the report under Annexure-A/2. It is contended that since the own



brother of the Petitioner made allegation that Petitioner has got married in the meantime, letter under Annexure-1 was issued directing Opp. Party No. 7 not to release the family pension until further orders. It is accordingly contended that in view of the complaint made by the brother of the Petitioner and the enquiry report submitted by the Principal vide Annexure-A/2, such an action has been taken under Annexure-1 and no illegality or irregularity can be found with the same.

6. To the submission made by the learned counsel appearing for the Accountant General-Opp. Party No. 2, learned counsel appearing for the Petitioner contended that since after due consideration of the Petitioner's claim and the recommendation made by Opp. Party No. 8, family pension was sanctioned in favour of the Petitioner vide order under Annexure-3, basing on the complaint made even by the Petitioner's brother, no such direction could have been issued to stop the benefit without issuing the show-cause to the Petitioner and by following principle of natural justice.

6.1. It is also contended that from the report submitted by the Principal of the College under Annexure-A/2, it has not been proved that Petitioner has got married in the meantime. Along with the complaint, Petitioner's brother has also not submitted any document showing that Petitioner has got married in the meantime. It is accordingly contended that on the face of the complaint made by the Petitioner's brother and the report made by Opp. Party No. 8 vide Annexure-A/2, which does not support the allegation, no such direction could have been issued directing Opp. Party No. 7 to stop the family pension of the Petitioner. It is accordingly contended that



direction issued in Annexure-1 be interfered with as Petitioner is going without family pension.

7. Having heard learned counsel appearing for the Parties and considering the submission made, this Court finds that Petitioner being the unmarried daughter of the deceased employee and on the recommendation made by the pension sanctioning authority-Opp. Party No. 8, family pension was sanctioned in favour of the Petitioner w.e.f.05.05.2021 vide order Annexure-3. However, while in receipt of such benefit, Annexure-1 direction was issued by Opp. Party No. 3 directing Opp. Party No. 7 to stop the benefit immediately until further order.

7.1. This Court after going through the stand taken in the counter affidavit so filed by Opp. Party Nos. 2 & 3, finds that such a letter under Annexure-1 has been issued, taking into account the complaint made by the Petitioner's brother and sister that Petitioner has got married in the meantime. However, taking into account the enquiry report available under Annexure-A/2, so furnished by Opp. Party No. 8 basing on the letter issued by Opp. Party No. 2, nothing has come out that Petitioner has got married in the meantime. Not only that along with the complaint, the Complainants never produced any document showing that Petitioner has got married in the meantime.

7.2. Since in the enquiry nothing has been proved that Petitioner has got married in the meantime and no document having been provided to Opp. Party Nos. 2 & 3 showing the marriage of the Petitioner after getting the benefit by the Complainants, this Court is of the view that the direction under Annexure-1 could not have



been issued and that too without following the principle of natural justice.

7.3. Therefore, this Court while quashing the impugned communication dtd.15.10.2025 so issued under Annxure-1, directs Opp. Party Nos. 2 & 3 to issue a fresh order permitting the Petitioner to draw the family pension from Opp. Party No. 7 in terms of the order issued under Annexure-3 as due and admissible along with the arrear entitlements. This Court directs Opp. Party Nos. 2 & 3 to pass a fresh order as directed within a period of 10 days hence. Learned counsel appearing for the Accountant General is directed to provide a copy of this order to Opp. Party No. 2 for compliance.

8. The writ petition accordingly stands disposed of.

(BIRAJA PRASANNA SATAPATHY)

Judge

Sneha