IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.4242 of 2024

G. Jaga Rao and Anr. .... **Petitioners**
Mr. S. Rath, Adv.

-versus-

State Bank of India,
BBSR and Others
.... **Opp. Parties**
Mr. D.K. Mohapatra,
Advocate for the Bank
Mr. D.R. Bhokta, CGC for
O.P. No.4

CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER
24.03.2026

Order No	
04.	**1.** This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.

2. Pursuant to order dated 26.02.2026, learned counsel for the petitioners filed 2 (two) separate affidavits duly sworn by the petitioners in Court. The same be kept in record.

3. Heard learned counsel for the Parties.

4. The present Writ Petition has been filed *inter alia* with the following prayer:-

> *"Under the facts and circumstances stated above, the petitioner therefore prays that, this Hon'ble Court may graciously be pleased to issue appropriate Writ/ Writ(s) in the nature of writs of Certiorari quashing the Letter dtd.07.09.2023 under Annexure-6 after declaring the same as illegal;*
>
> *And further be pleased to issue a writ in the nature of a writ of Mandamus directing the Opposite Parties to disburse the sanctioned PPG amount and arrear amounts of their unmarried sister Late G. Mahalaxmi within a stipulated period with interest."*

5. It is contended that petitioners are the brothers of the deceased G. Mahalaxmi, who happens to be the unmarried daughter of the original pensioner namely G. Lachhaya. It is contended that while in receipt of pension, when the original pensioner G. Lachhaya died, benefit of Family Pension was sanctioned in favour of G. Appalamma, wife of the original pensioner.

5.1. It is contended that while in receipt of Family Pension, when the wife of the deceased pensioner died on 03.10.2016, the unmarried daughter namely G. Mahalaxmi made her claim to get the benefit of Family Pension w.e.f. 04.10.2016, taking into account the death of G. Appalamma on 03.10.2016, so reflected under Annexure-1.

5.2. It is contended that even though the unmarried daughter of the original pensioner made the claim to receive the Family Pension being the unmarried daughter immediately after the death of her mother on 04.10.2016, but such family pension was only sanctioned on 31.05.2022.

5.3. It is further contended that since by the time such Family Pension was sanctioned in favour of the unmarried daughter on 31.05.2022, she had already died on 10.06.2021, so reflected in the death certificate available under Annexure-2, she could not reap the benefit of Family Pension, for the period 04.10.2016 to 10.06.2021, so sanctioned by the department on 31.05.2022.

5.4. It is accordingly contended that since the benefit of Family Pension so due and admissible to the deceased sister of the present petitioners G. Mahalaxmi for the period 04.10.2016 to 10.06.2021, was not enjoyed by their deceased sister because of the delayed sanction of the same on 31.05.2022, petitioners being the brothers of the deceased G. Mahalaxmi, are entitled to get the benefit of family pension for the period 04.10.2016 to 10.06.2021.

5.5. It is also contended that the present petitioners are the only legal heirs of their deceased sister G. Mahalaxmi so available under Annexure-3 and they have got no other source of income save and except the earning of a daily wage worker. It is contended that when petitioners raised such a claim before Opp. Party-Bank, the same was rejected without proper appreciation vide the impugned communication dated 07.09.2023 under Annexure-6.

5.6. Learned counsel for the petitioner accordingly contended that Opp. Party No.4 be directed to release the benefit as due and admissible of their deceased sister G. Mahalaxmi for the period 04.10.2016 to 10.06.2021 in favour of the present petitioners.

6. Mr. D.K. Mohapatra, learned counsel for the Bank on the other hand contended that since by the time the family pension was sanctioned in favour of G. Mahalaxmi, she had already died on 10.06.2021, in absence of any account being opened in the name of the deceased sister of the petitioners, pension amount could be released in favour of the petitioners. Accordingly their claim was rejected vide Annexure-6.

7. Learned CGC appearing for Opp. Party No.4 on the other hand contended that since by the time the Family Pension was sanctioned in favour of the late sister of the petitioners on 31.05.2022, she had already died on 10.06.2021, the same amount could not have been released in her favour.

8. Having heard learned counsel for the parties and considering the submissions made, it is found from the record that on the death of the deceased pensioner, his wife namely G. Appalamma was sanctioned with the benefit of Family Pension which is not disputed. However, on the death of G. Appalamma on 03.10.2016, the unmarried daughter of the deceased employee G.

Mahalaxmi raised her claim to get the benefit of Family Pension w.e.f. 04.10.2016.

8.1. However, by the time such Family Pension was sanctioned in her favour on 31.05.2022, the aforesaid G. Mahalaxmi/Sister of the present petitioners had already died on 10.06.2021.

8.2. In view of such eventuality, this Court finds no illegality or irregularity with the impugned communication issued by the Bank under Annexure-6. However, considering the fact that family pension so sanctioned in favour of the late sister of the petitioners on 31.05.2022, for the period 04.10.2016 to 10.06.2021 could not be enjoyed by her, it is the view of this Court that petitioners should make their claim before Opp. Party No.4 to get the aforesaid benefit. It is observed that if any such application will be moved before Opp. Party No.4 within a period of 3 (three) weeks hence, Opp. Party No.4 shall take a lawful decision on the same within a period of 3 (three) months from the date of receipt of such application, with due communication to one of the petitioner.

9. The Writ Petition stands disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge