



IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No.9275 of 2026

Indira Dash

.....

Petitioner

Represented by Adv. -
Gyana Ranjan Sethi

-versus-

State Of Odisha and others

.....

Opposite Parties

Mr. U.C. Jena, ASC

CORAM:

**THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA**

ORDER

26.03.2026

Order No.

- 01.
1. This matter is taken up through Hybrid mode.
 2. Heard learned counsel for the Petitioner as well as the learned counsel for the State. Perused the writ petition as well as the prayer made therein.
 3. By filing the present writ petition the Petitioner calls in question the validity and legality of order dated 10.03.2025 at Annexure-8 to the writ petition.
 4. Learned counsel for the Petitioner at the outset contended that earlier the Petitioner approached this Court by filing W.P.(C) No.12029 of 2024 with a prayer for grant of family pension to the Petitioner, who happens to be a widowed daughter of a deceased-government employee. A Coordinate Bench of this Court vide order



dated 14.08.2024 disposed of the above noted writ petition by directing the Opposite Party No.4 to comply with the request of the Opposite Party No.5, taking into consideration the judgment of this Court in W.P.(C) No.13241 of 2021 and to resubmit the pension papers of the Petitioner in a time bound manner.

5. After disposal of the above noted writ petition the Petitioner approached the Opposite Parties. However, the Opposite Party No.4 vide order dated 10.03.2025 rejected the prayer of the Petitioner on the ground that a writ appeal bearing W.A. No.665 of 2024 is pending before this Court, which was filed by the State-Opposite Parties challenging the judgment in W.P.(C) No.13241 of 2021. However, assailing the impugned order, it has been stated that the operation of the order passed in W.P.(C) No.13241 of 2021 has been stayed by the learned Appellate Bench and the learned Coordinate Bench while disposing of the writ petition vide order dated 14.08.2024 had given a specific direction to be complied by the Opposite Parties. It was stated that in the absence of any interim order staying operation of that order it was not open to the Opposite Parties to take a stand that merely because a writ appeal is pending the prayer of the Petitioner ought to be rejected.

6. In the aforesaid context, it is observed that this Court has come across many such orders passed by the authorities where the direction to consider the case of the Petitioner by this Court are being rejected by the Opposite Parties/government officer on the ground of mere pendency of the writ appeal. It has been clarified time and again that mere pendency of the writ appeal will not stand in the way of implementing the order passed by the learned Single



Judge Bench. It is needless to say here that the law on the subject is very clear. Although the order passed by the Opposite Party No.4 dated 10.03.2025 is contemptuous, however, this Court grants an opportunity to the State to obtain instruction therein. Further, this Court directs that a specific affidavit be filed by the Commissioner-cum-Principal Secretary, School and Mass Education Department with regard to the aforesaid facts, particularly the rejection of the representation of the government officers on the ground of mere pendency of the writ appeal. Let the affidavit be filed within three weeks after serving a copy thereof on learned counsel for the Petitioner.

7. List this matter in the week commencing 20.04.2026.

(Aditya Kumar Mohapatra)
Judge

S.K. Rout