



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.23265 of 2024

Basantilata Behera

....

Petitioner

Mr. L. Mohanty, Advocate

-versus-

***State of Odisha and
Others***

....

Opposite Parties

Mr. P.K. Panda, ASC

Mr. S.K. Patra, Adv. for O.P. No.4

CORAM:

JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

12.12.2025

Order No.

- 03.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard learned counsel for the parties.
3. The present Writ Petition has been filed *inter alia* with the following prayer:-

“It is, therefore, prayed that this Hon'ble Court may graciously be pleased to issue notice to the opp. parties calling upon them to file show cause as to as to why:-

i) a direction shall not be issued to revise the pension and pensionary benefits of the husband of petitioner late Purna Chandra Behera as per his last pay drawn dated 31.12.2020 of Rs.56,900/- taking into note of Rule 47 (2)(a) of the OCS (Pension) Rule 1992 as well as the order passed by this Hon'ble Court in W.P.(C) No.5650 of 2023 dated 14.08.2023 and accordingly revise the family pension released in favour of the petitioner by the opp. party no.4 under Annexure



-7 w.e.f, 15.1.2022 and to release all arrears of pension and pensionary benefits with 9% interest thereof.

(ii) After hearing the parties be pleased to direct the opp. parties to revise the pension and pensionary benefits of the husband of the petitioner as per his last pay drawn as on 31.12.2021 of Rs.56,900/- and also taking note of order passed by this Hon'ble Court passed in W.P.(C) No.5650 of 2023 dated 14.8.2023 under Annexure -9 and order dated 02.05.2024 passed by the opp. party no.1 under Annexure -10 with 9% interest thereon till payment is released.

iii) The opp. parties be further directed to calculate and release all his arrears along-with interest; within a date to be fixed by this Hon'ble Court."

4. It is contended that while sanctioning the benefit of Family Pension in favour of the petitioner, Grade Pay so sanctioned in favour of the deceased employee at Rs.4600/- was reduced suo-moto to Rs.4200/- and accordingly entitlement of the petitioner towards Family Pension, was assessed at a lower rate. It is accordingly contended that such reduction of the Grade Pay and consequential sanction of reduced Family Pension needs interference of this Court.

5. Learned Addl. Standing Counsel on the other hand contended that if petitioner is aggrieved by the reduction of the grade pay, so sanctioned in favour of the deceased employee as well as consequential sanction of family pension in her favour, let her apprise the same before Opp. Party No.1.

6. Mr. S.K. Patra, learned counsel appearing for O.P. No.4 also made similar contention as contended by the learned Addl. Standing Counsel.



7. To the submission of learned Addl. Standing Counsel, learned counsel for the petitioner made further submission contending *inter alia* that on similar nature of claim while implementing the order passed by this Court in W.P.(C) No.5650 of 2023, benefit has been extended vide order dated 02.05.2024 under Annexure-11.

8. Having heard learned counsel for the parties and considering the submissions made, this Court while disposing the Writ Petition, permits the petitioner to move Opp. Party No.1 for consideration of her grievance as made in the present Writ Petition. It is observed that if any such application will be moved before O.P. No.1 within a period of 3 (three) weeks hence, O.P. No.1 shall take a lawful decision on the same within a period of 3 (three) months from the date of receipt of this order.

8.1. It is however observed that while taking such a decision, relevancy and effect of the benefit extended vide order dated 02.05.2024 under Annexure-11 shall be taken into consideration if it is applicable. Petitioner is permitted to provide a copy of this order along with the order available at Annexure-11 before O.P. No.1 for compliance.

9. The Writ Petition stands disposed of.

(Biraja Prasanna Satapathy)
Judge