



IN THE HIGH COURT OF ORISSA AT CUTTACK
WP(C) No.31178 of 2025

Maya Behera

.....

Petitioner

Represented by Adv. –
Ms. Soma Patnaik

-versus-

State Of Odisha & Others

.....

Opposite Parties

Represented by Adv. –
Mr. C.M. Singh, ASC

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA

ORDER
25.02.2026

Order No.

02.

1. This matter is taken up through Hybrid mode.
2. Heard learned counsel appearing for the Petitioner as well as learned Additional Standing Counsel appearing for the State. Peruse the writ petition as well as the documents annexed thereto.
3. By filing the present writ application, the Petitioner has prayed for the following relief:-

“Under these circumstances the petitioner most humbly prays that this Hon'ble Court be graciously pleased to issue a Rule NISI calling upon the opposite parties to show cause as to why;

(i) The in-action of the Opp. parties in releasing the pensionary and arrear dues and other consequential benefits in favour of the petitioner shall not be declared as arbitrary, illegal, unreasonable and violative of Article-21 of the Constitution of India.



(ii) The pensionary and arrear dues and other consequential benefits in favour of the petitioner shall not be released with immediate effect;

If the opposite parties fail to show cause or show insufficient cause the Rule be made absolute."

4. Learned counsel for the Petitioner at the outset contended that the husband of the present Petitioner, namely, Dhulia Behera, was working under the Opposite Party-University. He further submitted that on 16.11.2015, the university authorities regularized the service of the Petitioner's husband w.e.f. 27.11.2004. While the Petitioner's husband was discharging his duties as a regular employee, he died in harness on 16.04.2016. After the death of the government employee, namely, late Dhulia Behera, the present Petitioner being the wife and legal heir of the Government Employee, submitted a representation before the Opposite Party-University for grant of retrial dues as well as the pension and pensionary benefits on 18.09.2019.

5. In course of her argument, learned counsel for the Petitioner further submitted that vide order dated 08.08.2022 at Annexure-4, the Opposite Party-University passed an office order and took a decision that 67 Nos. of non-mess employees are entitled to be governed under the OCS (Pension) Rules, 1992 as they were regularized w.e.f 27.11.2004, vide office order dated 16.11.2015. Accordingly, an option was called for from the employee for deduction of their GPF at par with other regularized employees of the university. He further submitted that an employee, namely, Rabinarayan Mishra, whose name appears at serial No.2 in the very same list, who has retired from service w.e.f. 30.11.2021, has already been extended with the consequential financial benefits as



is due and admissible to him. Learned counsel for the Petitioner at this juncture contended that the name of the petitioner's husband appears at serial No.51 of the very same list wherein the name of abovenamed Rabinarayan Mishra appears.

6. She further submitted that the abovenamed Rabinarayan Mishra approached this Court by filing W.P.(C) No.5136 of 2022 with a prayer for grant of pensionary benefits as well as retiral dues to the Petitioner. A Coordinate Bench vide order dated 27.03.2023 disposed of the matter by directing the Opposite Party-University to take effective steps for sanction and release of all retiral benefits as is due and admissible to him within a period of three months. He further contended that after disposal of the W.P.(C) No.5136 of 2022, the abovenamed Rabi Narayan Mishra, has already received the retiral dues as well as the pensionary benefits. So far the present Petitioner is concerned, it is stated that the her husband died in harness on 16.04.2016, however, the petitioner has not been extended with the financial benefits as is due and admissible to her late husband. Being aggrieved by such conduct of the Opposite Party-University, the Petitioner has approached this Court by filing the present writ application.

7. Learned counsel for the Opposite Party-University on the other hand contended that he has no specific instruction in the matter. However, in the event it is found that similar benefits have been extended in favour of the similarly situated persons, he will have no objection if this Court directs the Opposite Party-University to consider the case of the Petitioner by taking into consideration the office order at Annexuer-4 as well as similar benefits which have been extended in favour of the above named



Rabi Narayan Mishra within a stipulated period of time.

8. Having regard to the submissions made by the learned counsels for the respective parties, on a careful examination of the backgrounds facts, further taking note of the office order dated 08.08.2022 at Annexure-4 whereby the service of the Petitioner's husband has been regularized w.e.f. 27.11.2004, i.e., not prior to the OCS (Pension) Rules, 1992 amended in the year 2005 and further in view of the fact that the University has already taken a decision to include the husband of the Petitioner and similarly situated other persons under the OCS (Pension) Rules 1992, this Court deems it proper to dispose of the writ petition at the stage of admission by directing the Petitioner to approach the Opposite Party No.2-University along with a copy of today's order. In such eventuality, the Opposite Party No.2-University shall do well to consider the case of the Petitioner by taking into account the office order at Annexure-4 as well as the fact that similar benefits have already been extended in favour of one Rabinarayan Mishra pursuant to the order passed by the coordinate bench in W.P.(C) No.5136 of 2022 and take a final decision within a period of eight weeks from the date of communication of a copy of today's order. It is further directed that in the event it is found that the Petitioner's husband stands in a similar footing with the abovenamed Rabinarayan Mishra and his service has been regularized w.e.f. 27.11.2004, the Opposite Party No.2-University, in the absence of any other legal impediment, shall do well to extend the financial and service benefits as is due and admissible to the late husband of the Petitioner and such financial benefits be sanctioned and released in favour of the Petitioner as expeditiously as possible



within six weeks from the date of taking such decision.

9. With the aforesaid observations/directions, the writ petition stands disposed of.

(Aditya Kumar Mohapatra)
Judge

Suchitra