



IN THE HIGH COURT OF ORISSA AT CUTTACK
W.P.(C) No. 33968 of 2025

Bilasini Behera

.....

Petitioner

Mr. L. Kanungo, Adv.

-versus-

State of Odisha & Ors.

.....

Opposite Parties

Mr. S.P. Das, ASC

CORAM:

THE HON'BLE MR. JUSTICE BIRAJA PRASANNA SATAPATHY

ORDER

23.02.2026

Order No. 04

1. This matter is taken up through hybrid mode.
2. Heard learned counsel appearing for the Parties.
3. The present Writ Petition has been filed *inter alia* with the following prayer:-

“In the light of the above facts and circumstances it is humbly prayed that your Lordship may graciously be pleased to admit the writ application and after hearing the parties, be pleased to pass an order by directing the Opp. parties to open the sealed cover and in consequent the petitioner's husband shall be given promotion to the rank of Head Clerk retrospective effect w.e.f. the date of promotion of his junior taking into consideration the representation of the petitioner at Annexure-7 to the writ petition and further hold that departmental proceeding drawn against her husband abated after his death i.e. on 22.08.2016;



And further directed the Opp. party to allow consequential arrear salary, revision of pension and other post retirement benefits shall be released and paid with admissible interest thereon within a stipulated time to avoid further litigation and loss to the petitioner,

And further be pleased to pass such other order/orders, as this Hon'ble Court may deem fit and proper;

And for this act of kindness, the petitioner as in duty bound, shall ever pray.”

4. It is contended that during the lifetime of the deceased employee/husband of the Petitioner, Petitioner's husband was not given the benefit of promotion because of pendency of a proceeding.

4.1. It is fairly contended that while the proceeding was so pending, the deceased-employee was allowed to retire on attaining the age of superannuation. But after his death since the proceeding stands abated, Petitioner being the wife of the deceased employee raised the claim to extend the benefit of promotion in favours of the deceased employee as well as the pensionary benefits as due and admissible to the deceased-employee under Annexure-7, so also sanction of family pension.

4.2. It is contended that claim made by the Petitioner under Annexure-7, when was not considered, she approached this Court by filing W.P.(C) No.10906 of 2023. This Court vide order dated 20.04.2023 under Annexure-10 though directed the Opp. Party No.2 to consider the claim therein, but no decision has been taken as yet.



4.3. It is however, in course of hearing fairly contended that Petitioner does not claim the benefit of promotion as due to the deceased-employee anymore. Petitioner now confines her claim with regard to getting the retiral benefits as due to the deceased-employee and the family pension, since after death of the deceased employee the proceeding stands abated. It is accordingly contended that Opp. Party No.2 be directed to release the retiral benefits as due to the deceased employee including family pension as due and admissible in favour of the Petitioner, within a stipulated time and claim made to extend the benefit of promotion by opening the sealed cover be treated as not pressed.

5. Learned Addl. Standing Counsel on the other hand contended that since Petitioner was raising the claim for promotion and a direction was issued by this Court under Annexure-10 to consider the same, the same was not allowed, as the deceased-employee retired during pendency of the proceeding, and accordingly he was not eligible to get the benefit of promotion. However, with regard to the other prayer made by the learned counsel appearing for the Petitioner, learned Addl. Standing Counsel contended that this Court can pass appropriate order.

6. Having heard the learned counsel for the Parties and considering the submission made, this Court finds that the deceased-employee was not given the benefit of promotion, because of pendency of a proceeding against him. It is not disputed that during pendency of the proceeding the deceased-employee retired. However, on the death of



the deceased-employee prior to disposal of the proceeding, the proceeding stands abated.

7. Considering the submission made by the learned counsel appearing for the Petitioner that Petitioner does not intend to claim the benefit of promotion as due and admissible to the deceased employee, this Court while disposing of the Writ Petition directs Opp. Party No.2 to sanction and disburse the retiral benefit as due and admissible to the deceased-employee and so also family pension in favour of the Petitioner. This Court directs Opp. Party No.2 to complete the entire exercise within a period of three (3) months from the date of receipt of this order with due communication.

8. Accordingly, the Writ Petition stands disposed of.

(BIRAJA PRASANNA SATAPATHY)

Judge

Jyoti