



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No. 2686 of 2023

Naren Kumar Sahoo

....

Appellant

In Person

-versus-

***Mahanadi Coalfields Limited,
Sambalpur and others***

....

Respondents

Mr. Sekh Zakir Hussain, Advocate for Respondent Nos.1 & 2
Mr. Prasanna Kumar Parhi, Deputy Solicitor General of India

**CORAM:
HON'BLE THE CHIEF JUSTICE
AND
HON'BLE MR JUSTICE MURAHARI SRI RAMAN**

Order No.

**ORDER
23.03.2026**

I.A. No.5539 of 2024

09. 1. Unfortunately, the appellant lost his father, who died in harness. The father was working in the Mahanadi Coalfields Limited, the Central Government Public Sector Undertaking for a long period of more than thirty years. After the death, the appellant's mother submitted an application to the authorities for clearance of the terminal benefits, the financial dues, such as CMPF, pension, benevolent fund and other benefits together with further relief in the form of compassionate appointment. While the aforementioned issue



remained in the domain of the authority, the mother also departed the world and the appellant claiming himself to be the only son and the successor claimed all such benefits.

2. It is a sordid state of affair that the appellant has been imposed such litigation and is pursuing the same since more than a decade. Ultimately, the writ petition being W.P.(C) No.9300 of 2023 filed by the appellant was disposed of on 12th September, 2023 granting the relief in the form of release of the admissible terminal dues of the deceased-employee in favour of the petitioner (the appellant herein) within the stipulated time.

3. Despite such direction having passed while disposing of the said writ petition, the petitioner perceived an error to have been committed on the face of the record and filed a review application being RVWPET No.381 of 2023. The said review application was disposed of on 13th October, 2023 recording the submission of the appellant that while directing the terminal benefits to be released in favour of the appellant, there was no direction passed for interest and compensation for the sufferance of his mother as well as himself and the compassionate appointment. The learned Judge did not find any



error which could be discerned from the record and proceeded to dismiss the same.

4. The appellant challenged the order passed in the writ petition in the instant appeal, which was disposed of on 29th January, 2024. The Division Bench succinctly and explicitly recapitulated the factual dispute in several paragraphs and arrived at the conclusion that once the single Bench has determined the entitlement of the appellant to the terminal dues of his father and the said order appears to have been passed on the basis of the submissions, it does not invite any adjudication to be made on interest or compensation as the case may be and ultimately, the judgment of the single Bench passed in the writ petition was affirmed.

5. The petitioner challenged the said judgment and order in a Special Leave Petition (C) Diary No.14930 of 2024 before the Supreme Court. Though there was a delay in preferring the Special Leave Petition, such delay was condoned and ultimately the Special Leave Petition was heard on merit and disposed of on 26th June, 2024. It is categorically observed that the petitioner, the appellant herein can make an application in a disposed of matter before the High Court seeking a reasonable rate of interest in respect of the



terminal benefits, which were withheld and there was a delay in payment of the same to the appellant.

6. The tenet of the liberty having granted to the petitioner and the manner in which the Special Leave Petition was disposed of leaves no ambiguity in our mind that the apex Court declined to interfere with the order and judgment of this Court passed on 29th January, 2024 but a liberty was given to approach the High Court to make an application in a disposed of matter claiming interest on the delayed release of the terminal benefits. The appellant tried to impress this Court by making such application that the authorities must also grant a compensation for causing sufferance and there has been a deliberate and intentional delay in releasing the terminal benefits. Feebly, a plea of compassionate appointment is also sought to be raised apart from the plea of an interest to be awarded to the appellant.

7. To buttress the aforesaid contention, the petitioner intends to rely a catena of decisions where the apex Court has granted a penal interest for unreasonable and/or unfathomable delay caused by the authorities in releasing the statutory dues. From the submissions advanced by the petitioner appearing in person, the same can be



compartmentalized in two parts. Firstly, the amount of compensation to be awarded to the appellant and also the plea of a compassionate appointment to be gone into and secondly, awarding of an interest for a delayed disbursement of the terminal benefits of the deceased-employee.

8. So far as the first plea is concerned, we observe that the same is not open to the petitioner to re-agitate in the instant application filed in a disposed of matter on the basis of the liberty granted by the Supreme Court. While disposing of the writ petition, the Court directed the release of the terminal benefits and if other reliefs claimed in the writ petition has not been granted, the law is settled that the same would be deemed to have been rejected by the Court. Even the appeal filed by the petitioner raising such point stood dismissed and the apex Court, while disposing of the petition, did not set aside the judgment and order of the Division Bench but granted the liberty as aforesaid, which can be reasonably inferred that the apex Court did not consider such prayer to have been illegally or wrongfully rejected and/or dismissed by the Court. Once the issue has been decided concurrently in three stages of the



litigation, the same point cannot be reopened on the basis of an application filed in a disposed of matter.

9. So far as the second plea is concerned, since the liberty is granted by the Supreme Court to make an application in the instant disposed of matter, it is an ardent duty of the Court to decide the same. It admits no ambiguity that if an amount is required to be paid within a statutory period of time provided in the statute and in the event the same is not paid, the delay attributable to the said authority cannot deprive the rightful person from enjoying and utilizing the usufructs therefrom. It is an entitlement of a person for the delay in disbursing the rightful amount, which at times, partakes the character of statutory dues. What would be the rate of interest has to be relatively seen and depends upon various statutory provisions. Some of the statute encompasses within its fold the rate of interest to be awarded or the rate of interest to be charged depending upon the incidences and/or contingencies incorporated therein.

10. It is inconceivable that a person would be saddled to pay the interest for a delayed discharge of its statutory duties, whereas the statutory authority would be absolved of such responsibilities. The equality is the hallmark in any orderly society and if a person is



deprived of his just right, it does not exonerate the statutory authorities in not paying the interest over and above the sum which is otherwise found due to the rightful claimant. Since the liberty is restricted to the determination of an interest, it impliedly effaces the other plea taken by the petitioner and the Court cannot enlarge the scope of the adjudication, more particularly, when the matter has already been disposed of finally. Bearing in mind the above and admittedly there has been a delay in disbursement of the terminal benefits accrued to a deceased-employee, it would be unjust and improper that the claimant would not be paid an interest thereupon. Since the terminal benefits constitute several statutory dues governed by different statutory provisions, we, therefore, feel that the directions passed hereinafter would meet such requirement and ensure justice.

11. We, therefore, dispose of the instant application, directing the respondents to pay the interest at the statutory rate, if the same is provided in a relevant statute in relation to such component; in the event, the statute is silent on the rate of the interest to be awarded, the authority shall calculate the interest on the entire terminal benefits at the prime lending rate fixed by the Reserve Bank of India



as on this date. The payment shall be made within two months from the date of this order without raising any issues on the entitlement of the appellant in this regard.

(Harish Tandon)
Chief Justice

(M.S. Raman)
Judge

S. Behera