

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.A. No. 2686 of 2023**

***Naren Kumar Sahoo***

.....

***Appellant***

***In person***

**Vs.**

***Mahanadi Coalfields Limited,  
Sambalpur & Ors.***

.....

***Respondents***

**CORAM:**

**ACTING CHIEF JUSTICE DR. B.R. SARANGI  
MR. JUSTICE MURAHARI SRI RAMAN**

**ORDER**

**29.01.2024**

**Order No.**

**7**

This matter is taken up through hybrid mode.

2. Heard the appellant-Naren Kumar Sahoo in person.
3. The appellant has filed this writ appeal challenging the order dated 12.09.2023 passed in W.P.(C) No.9300 of 2023, by which the learned Single Judge in paragraph-6 has issued the following directions:

*“6. Considering the submissions as above and without expressing any opinion on the merits of the case, this Court deems it proper to dispose of the writ petition directing the opposite party-authorities, particularly, the opposite party No.3 to take all necessary steps for release of the admissible terminal dues of the deceased employee in favour of the petitioner as early as possible, preferably within a period of two months.”*

4. On perusal of the records, it appears that the appellant had filed W.P.(C) No.9300 of 2023 with the following prayer:

*“In the light of above facts & circumstances, it is therefore, most Humbly & Respectively prayed that this Hon'ble Court may graciously be pleased*

- i) *to Admit this writ petition & issue rule nisi to the Respondents.*
- ii) *to issue a Writ of MANDAMUS or any other appropriate writ to the Respondents to transfer the CMPF amount & other financial dues (if any), of my father directly into my bank account along with Compensation of 50 akhs, Compensatory interest rate of 25% of CMPF accumulations from the date of death of my father till final actual payment date to me & employment in MCL Bhubaneswar.*
- iii) *to pass such other writ(s)/order(s)/directions(s) as this Hon'ble Court may deem fit, proper & necessary in the interest of complete justice, so that no Common Citizen/Honest Employee & his/her family will not suffer/get ruined in future like me & my parents.*

*And for this act of kindness of this Hon'ble Court, the petitioner shall as in duty bound every pray. ”*

The learned Single Judge, after considering the submissions of the appellant, passed the effective part of the order quoted as above.

5. Having not satisfied thereby, the appellant filed RVWPET No.381 of 2023 seeking review of the order dated 12.09.2023 and the learned Single Judge, vide order dated 13.10.2023, passed the following order:

*“1.This matter is taken up through hybrid mode.*

*2. Heard the petitioner in person.*

*3. The present review application has been filed in respect of the order passed by this Court in the writ petition on 12.09.2023 to include interest and compensation component as originally prayed in Serial No. ii of the prayer portion the writ petition.*

*4. It is submitted that though the writ petition was disposed of directing the opposite party No.3 to take all necessary steps for release of the admissible terminal dues of the deceased employee in favour of the petitioner as early as possible, nothing was said as regards the interest and compensation component.*

*5. It is needless to mention that when a particular relief is claimed and no order is passed by the Court, such relief must be deemed to have been refused. I, therefore find no reason to entertain the*

*review application.”*

6. This Court, vide order dated 20.11.2023, passed the following order:

*“ This matter is taken up through hybrid mode.*

*2. Heard the appellant-Naren Kumar Sahoo in person. He stated that he has filed this writ appeal assailing the order dated 12.09.2023 passed in W.P.(C) No.9300 of 2023, by which the learned Single Judge has directed respondent no.3 to take all necessary steps for release of the admissible terminal dues of the deceased employee in favour of the appellant as early as possible, preferably within a period of two months. It is further stated that against the said order, the petitioner filed Civil Review Petition (RVWPET No.381 of 2023) to include interest and compensation component, as originally prayed in Serial No.ii of the prayer portion of the aforesaid writ petition and learned Single Judge also disposed of the said review petition confirming the order dated 12.09.2023 passed in W.P.(C) No.9300 of 2023.*

*3. In course of hearing, this Court made a query as to under what provisions of law, the appellant is entitled to get interest and compensation. The appellant could not be able to point out the same and sought time to get himself ready in the matter and produce the provisions before this Court on the next occasion.*

*4. Put up this matter on 29.11.2023.”*

Thereafter, the matter was listed on 29.11.2023, 15.12.2023, 02.01.2024 and 16.01.2024, but the appellant could not be able to satisfy this Court with regard to his entitlement of interest and compensation component. Today, when the matter was taken up, the appellant reiterated that since the learned Single Judge refused to grant interest and compensation component, he filed RVWPET No.381 of 2023 and thereafter this writ appeal.

7. So far as entitlement of terminal dues of the appellant is concerned, the learned Single Judge has passed the order on the basis of the admission of the appellant himself that he had not received such terminal dues from the authority. As such, the matter is still pending before the authority because of filing of RVWPET No.381 of 2023 and this writ appeal. In any case, the authority

cannot withhold the terminal benefits admissible to the appellant. Therefore, the same should be released immediately in favour of the appellant after making proper calculation. On receipt of the terminal benefits, the appellant will examine as to whether the amount, which has been granted to him, is in conformity with the provisions of law or not and if not, in that case, he is at liberty to approach the appropriate forum ventilating his grievances with regard to any shortfall amount he is entitled to get. The question of consideration of any compensation or interest at this stage may not be admissible. Unless the appellant receives the terminal benefits, the question of compensation and interest does not arise and no right flows in his favour to claim such benefit.

8. Therefore, this Court is not inclined to entertain this writ appeal, as the scope of appeal is very limited. Consequentially, the same is disposed of.



**(DR. B.R. SARANGI)**  
**ACTING CHIEF JUDGE**

**(M.S. RAMAN)**  
**JUDGE**