

GAHC010019122024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No.: I.A.(Civil)/1392/2024

DIPIKA SHYAM

W/O- SRI PROTIM SHYAM
R/O- ONGC COLONY
QUARTER NO. B-109
P.O.
P.S. AND DIST. SIVASAGAR
PIN- 785640
ASSAM

VERSUS

PROTIM SHYAM
S/O- LATE PUNESWAR SHYAM
PRESENTLY RESIDING NEAR CHUNPURA PETROL PUMP
C/O- SRI KHAGEN PATOR
P.O. SIMALUGURI
DIST. SIVASAGAR
ASSAM
PIN- 785686 AND PERMANENT RESIDENT OF BALIJAN SHYAM GOAN
P.O. KHARIKATIA
PS. TITABOR
DIST. JORHAT
PIN- 785633
ASSAM

For the applicant (s) : Mr. S. N. Tamuli, Advocate

For the respondent (s) : Mr. I. A. Talukdar, Advocate

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
O R D E R

29.05.2024

This Interlocutory Application has been filed by the respondent to the accompanying revision application seeking a direction for vacation, modification or alteration of the order dated 12.12.2024 passed by this Court and with a further direction to the ONGCL Authorities not to disburse 50% of the retirement benefits either to the petitioner's husband or the respondent wife till the disposal of the accompanying revision petition.

2. The learned counsel appearing on behalf of the applicant submits that the opposite party herein who is the petitioner in the accompanying revision petition is going to retire on 31.05.2024 and it is the practice followed in the ONGCL that on the date of the retirement, the entire pensionary benefits are given on a lump sum to the employee. The learned counsel for the applicant therefore submits if an order is not passed today thereby directing the ONGCL to withhold the amount of 50% of the retirement benefits, it would be very difficult at the later stage for the applicant to get the said amount.

3. On the other hand, Mr. I. A. Talukdar, the learned counsel appearing on instructions on behalf of the respondent submits that the matter be adjourned for a period of two weeks and till that date, the ONGCL may be directed not to release any retirement benefits either to the applicant or to the respondent. The learned counsel appearing on behalf of the

respondent submits that the leading counsel in the matter Mr. S. Dasgupta is out of town, and as such, the applicant would be prejudiced if the matter is finally disposed of.

4. Taking into account that a decision would be required to be made in respect to the legality and validity of the order dated 30.10.2023 passed in Title Suit (M) No.24/2018 and there is a imminent need of certain interim directions to be also passed else the applicant would also be severely prejudiced, this Court fixes this matter again on 24.06.2024.

5. The ONGCL is directed not to release any retirement benefits to either the applicant or to the respondent till further order of this Court.

6. A copy of the instant order be served upon the concerned ONGCL Authorities for due compliance.

JUDGE

Comparing Assistant