

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 22298 of 2014

Basanta Kumar Beura
(since dead)
Through Sakantula Beura

....

Petitioner

Mr. S.R. Mishra, Advocate

-versus-

The Senior General Manager
(Finance), Odisha Hydro
Power Corporation Ltd. &
Another

....

Opposite Parties

Ms. S. Pattanaik, Advocate

CORAM: JUSTICE V. NARASINGH

ORDER
17.10.2022

Order No.

16.

1. This matter is taken up through hybrid mode.
2. Heard learned counsel for both the parties.
3. At the outset, it is apt to state that the petitioner before this Court Mr. Basanta Kumar Beura passed away on 31.10.2019 and his LRS have been substituted as petitioners.
4. It was the grievance of the husband of petitioner that he was working as an Assistant Manager (Electrical) under the Opposite Party-Odisha Hydro Power Corporation Ltd. and though he retired on 30.04.2008 on attaining the age of superannuation, his retiral dues are not being paid. To fortify his stand in paragraph-10, the husband of the petitioner has stated thus, which is culled out hereunder;-

*“That, the petitioner also
submitted the clearance/ No*

Dues Certificate from different authorities. The No Dues Certificate is filed hereinwith as Annexure-7.”

5. The nonpayment of pension is because of lack of coordination between the authorities relating to issuance of No Dues Certificate (N.D.C.) has been reiterated in paragraph-11 quoted hereunder:-

“That, inspite of submission of clearance certificate and handing over charges to the authorities, the Opposite Parties due to non-co-ordination at their end, repeatedly asked for clearance certificate / No Dues Certificate from the petitioner. This illegal action of the Opposite Parties gives mental agony and financial hardship to the petitioner. The Opposite Parties are required for a direction of this Hon’ble Court to take immediate action to release of pension and pensionary benefits in favour of the petitioner. The petitioner is an ailing person attending age of superannuation is facing hardship due to non-sanction of the pension and pensionary benefits in his favour.”

6. In response thereto the Corporation has stated in paragraph-12 as thus:-

“ That, in reply to the averments made in paragraph-10 that the NDC submitted by the petitioner

is not in complete shape. The NDC has not been signed by the Manager, Generation Division as the petitioner has not handed over his charges in complete shape intimated vide his letter No.1079/WE dated 16.06.2014.”

7. Learned counsel for the petitioner submits that though petitioner No.1(a), the widow of late Basanta Kumar Beura, is getting a meager amount as family pension, the retiral dues of her husband are yet to be paid.

8. Ms. Pattnaik on behalf of Odisha Hydro Power Corporation Ltd., on instruction submits that petitioner's husband was in charge of “preservation store” and rebuts the submission of learned counsel for the petitioner that he has submitted the N.D.C. as claimed and also submits that the store verification committee of Odisha Hydro Power Corporation Ltd. has recommended to engage one independent registered valuer to assess the value of shortage of material

9. It is submitted by the learned counsel for the Corporation that in the meanwhile, as per the recommendation of the committee, taking into account the views of the conducting counsel, the services of the independent registered valuer has been requisitioned to assess the shortage and on the basis of recommendation of the valuer, further follow up action for release of the pensionary dues of the petitioner's husband would be taken.

10. Taking into account the rival contentions as the case in hand false within a narrow compass, this Court feels that ends of justice would be subserved, if the Opposite Party-Corporation is directed to take a decision on the basis of the recommendation of

the valuer regarding the alleged shortage within a period of six weeks from the date of receipt/production of the copy of this order and since the petitioner and her late husband have been litigating since 2014, any amount due and admissible to the petitioner be disbursed within a further period of four weeks and copy of the report of the valuer be also made available to the petitioner.

11. Accordingly, the Writ Petition stands disposed of. No costs.

Ayesha



(V. NARASINGH)
Judge