

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.19270 of 2022

Saroj Nath Das & Ors.

....

Petitioners

-versus-

**The MD, Odisha Mining Corp.
Ltd., Khurda & Ors.**

....

Opposite Parties

**CORAM:
JUSTICE BIRAJA PRASANNA SATAPATHY**

**ORDER
05.09.2022**

Order No

- 03.** 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical) Mode.
2. Heard Mr. A. Mishra, learned counsel for the Petitioners and Mr. P.K. Muduli, learned counsel appearing for O.P. Nos.1 to 3.
3. Counter affidavit filed by O.P. Nos.1 to 3 in Court today be kept on record. Copy of the same is also served on learned counsel for the Petitioner in Court today.
4. The present writ Petition has been filed with the following prayer:-

“Under the above circumstances, it is humbly prayed by the petitioner that this Hon'ble Court may be graciously pleased to Admit, Issue Notice to the Opp. parties and after hearing both the parties be pleased to direct the Opp. Parties for considering the representations filed by the petitioners under Annexure-3 with regard to disbursement of service benefits on any such other terms and conditions as deem just and proper.

AND Further be pleased to pass any other order(s), direction(s) as deem fit and proper. AND For which act of this kindness the petitioner is in duty bound shall ever pray.”

5. Mr. Muduli, learned counsel appearing for the Opp. Parties submitted that due to non-submission of the legal heir certificate by the Petitioner, the financial benefit of the deceased employee could not be processed and disbursed in favour of the legal heirs of the said deceased employee.

6. However, it is submitted that since the legal heir certificate has been annexed to the present writ Petition, appropriate step will be taken to disburse the financial benefits after verification of the genuineness of the said legal heir certificate from the issuing Authority.

7. In view of such stand taken in the counter affidavit filed by O.P. Nos.1 to 3, this writ Petition is disposed of with a direction on the O.P. No. 3 to take a final decision with regard to release of the financial benefit by verifying the genuineness of the legal heirs certificate within a period of two (2) months from the date of receipt of this order. Mr. Muduli is directed to provide a copy of this order before O.P. No. 3 for compliance.

8. The writ Petition is disposed of accordingly.

(Biraja Prasanna Satapathy)
Judge

Sneha