

IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC No.496 of 2022

Akshaya Kumar Jena

....

Petitioner

Mr. R.N. Nayak, Advocate

-versus-

***Mona Sharma, Addl. Chief Secy.,
Forest Environment and Climate
Change Dept. and another***

....

Opposite

Parties/Contemnors

Mr. P.K. Rout, A.G.A.

CORAM:

JUSTICE A.K. MOHAPATRA

ORDER

18.11.2022

Order No.

- 02.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. Heard learned counsel for the petitioner as well as learned counsel for the State.
 3. This Contempt Petition is filed alleging violation of the Court's order dated 23.08.2021 passed in CONTC(CPC) No.382 of 2018 and order dated 04.05.2018 passed in O.A. No.1207(C) of 2016 wherein the O.A. was disposed of by the learned Tribunal directing the respondents-opposite parties to dispose of the appeal which pending before the Respondent No.1 and further it was directed by the learned Tribunal that if the appeal is not disposed of before the authority, further it was directed that the Respondent-Opposite Parties to release all the retiral dues such as final pension, DCRG, unutilized leave salary and arrear dues pending as due and admissible, if there is no other legal impediment within a period of

four months from the date of receipt this order. Since the order passed in CONTC (CPC) No.382 of 2018, the said contempt application was pending three years and this Court was also directing the authorities to comply with the order dated 23.08.2021 and compliance affidavit be filed within a period of one month. Despite order dated 23.08.2021, the order of this Court has not been complied with, which compelled the petitioner to approach the action of the authorities by filing the present contempt petition. It is further submitted by learned counsel for the petitioner that the petitioner has retired from service since of the year 2011. However, the petitioner has not been paid his retiral dues, pensionary benefits due to pendency of appeal before the departmental authorities.

4. Learned counsel for the State, on the other hand, seeks some time to comply with the direction of this Court. However, too late to grant any further time to departmental authorities as the same would be against the interest justice.

5. In such view of the matter, as a last chance, the opposite parties are directed to conclude the proceeding and comply with the direction issued by this Court by order dated 23.08.2021 passed in CONTC(CPC) No.382 of 2018 in accordance with law within a period of one month from the date of production of certified copy of this order. In the event Opposite Parties-Contemnors are not complied with the direction of this Court within the aforesaid stipulated time, punishment should be imposed against the contemnor.

6. Further, Opposite Parties are directed to calculate arrear dues as on today and payable to the petitioner within a period of four weeks from the date of production of a certified copy of this order by

the Petitioner, failing which, the persons responsible for delay in releasing the pension, pensionary benefits and arrears of salary as is due and admissible in favour of the Petitioner shall be liable to pay interest @ 18% per annum, if there is no legal impediment and as has been directed by Hon'ble Supreme Court in the case of ***D.D. Tewari (D) through L.Rs. vs. Uttar Haryana Bijli Vitran Nigam Ltd.***, reported in ***2015 (1) OLR (SC)-81***.

7. It is the responsibility of the Petitioner to serve an authenticated copy of this order on the Competent Authority within a period of three weeks.

8. Accordingly, the CONTC is disposed of.

Urgent certified copy of this order be granted on proper application.

A free copy of this order be handed over to the learned counsel for the State for communication and compliance.

(***A.K. Mohapatra***)
Judge