

IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC No.311 of 2020

Narayan Chandra Swain **Petitioner**

Mr. Deepak Ranjan Sundaray, Advocate

-versus-

Jagannath Pahi **Opp.party/Contemnor**

Mr.M.K.Khuntia, AGA

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S.SAHOO

ORDER (Oral)

01.12.2022

Hybrid Mode

Order No.

4.

1. The present contempt has been filed alleging willful disobedience of the order dated 8th November, 2019 passed in W.P.(C) No.19957 of 2019. It is averred that the C.D.M & Public Health Officer, Bhadrak was directed to dispose of the pending representation on its own merits within a period of four weeks. However, till now no order has been passed.

2. On the previous date of hearing on 7th September, 2022, the following order was passed :

“1. This matter is taken up through hybrid arrangement (virtual/physical mode).

2. The petitioner is stated to have executed a contract for transportation of the Napkins supplied by the Government to various destinations under the KHUSI Programme of Government of Orissa in the year 2019. Since the bills submitted by the petitioner were not being cleared, he filed W.P.(C) No.19957, which was disposed of vide order dated

08.11.2019 directing the CDM & Public Health officer, Bhadrak to consider and dispose of the representation of the petitioner dated 01.10.2019 in the aforesaid regard, on its own merit within a period of four weeks of the date of receipt of the certified copy of the order. The aforesaid contempt was filed as the representation was not decided within the stipulated time.

3. At the time of hearing today, Mr. Samantaray has produced a copy of the letter no.2823/Med/Bhadrak dated 18.3.2021 requesting the petitioner to come for discussion in respect of re-fixation of the price. He further states that the passing of the order in compliance of the directions passed by this Court is being delayed due to non-cooperation of the petitioner.

4. At this stage, learned counsel for the petitioner states that he will ensure that the petitioner appears before the Officer concerned for a decision on the issue.

5. List on 01.12.2022.

It is hoped, before the next date a final order in compliance of the directions would be passed."

3. The opposite party has filed compliance affidavit dated 28th November, 2022. He has also produced in Court a letter no.12371 dated 7th November, 2022 issued by the office of the contemnor addressed to the petitioner wherein it is reflected the circumstances under which the petitioner is not entitled to his claim in the tender for transportation of sanitary napkins from Block Storage Points to different schools at the

claimed rate, instead of what is shown as the entitlement, i.e., 0.13 paise per piece based on the clarifications issued vide letter dated 02.01.2019 by the Managing Director of Orissa State Medical Corporation Limited.

4. Thus, it is submitted that the order stands complied with.

5. At this stage, learned counsel for the petitioner prays for permission to withdraw the contempt petition.

Accordingly, the contempt petition is dismissed as withdrawn.

(Jaswant Singh)
Judge

(M.S. Sahoo)
Judge

December 1st 2022
Cuttack

Gs/dutta