

IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC No. 494 of 2019

Dr. Binod Chandra Mohanty		Petitioner
		Mr. Balaram Nayak, Advocate
	-versus-	
Susama Rani Devi		Opposite Party
		Mr. Abhijit Pal, Advocate

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S.SAHOO

Order No. **ORDER**
30.11.2022
Hybrid Mode

- 06.** 1. The petitioner alleges non-compliance of the order dated 25.09.1992 passed by this Court in O.J.C. No. 3390 of 1990.
2. As directed by this Court, compliance/show-cause affidavit dated 24.06.2021 has been filed by the opposite party, Registrar, Odisha University of Agriculture and Technology on 28.06.2021, which forms part of record.
3. Learned counsel for the opposite party to support his contention that the order has been complied with, refers to the averments made in the said show-cause affidavit particularly paragraph 3.2 as quoted herein :

“... .. It is humbly submitted that after receipt of the said order dated 23.04.2018 of the Hon’ble Supreme Court of India the petitioner was declared as Teacher w.e.f. 30.09.1983 vide Office order no.22985/UAT, dated 28.09.2018 with relevant scale of pay as admissible to him under different ORSP Rules as on date of his retirement on 31.5.2015 (Annexure-4 of the Contempt petition). Therefore, the opposite party has carried out the order of the Hon’ble Court in accordance with the Rules and procedures under OUAT.

It is also submitted that fixation of pay under different pay Rules and as regards sanction of periodical increments in different scale of pay in favour of the Petitioner it is stated that the same has been made vide office order No.2925/DR dated 07.08.2019. After sanction of periodical increments in favour of the Petitioner up to his date of retirement, i.e., 31.5.2015-an amount of Rs.19,32,079/- was accrued towards his differential arrear arising out of fixation of his pay. The funding agency. i.e., Ministry of Agriculture and Farmer” Welfare, Deptt. of Agriculture & Co-operation, Directorate of Economics and Statistics, Cost Study Division, Krishi Bhawan, Govt. of India, New Delhi has been requested vide letter No.342 dated 18.11.2019 of Director, Comprehensive Scheme, OUAT to provide funds as special grant for payment to the petitioner as per proper procedure.

The copy of the order dated 7.8.2019 and letter dated 18.11.2019 are annexed herewith as Annexure-A/1 & B/1 respectively.”

4. It has also stated in paragraph-3.4 as under :

“3.4. It is humbly submitted that the opposite party has carried out the order dated 23.04.2018 of the Hon’ble Supreme Court of India in letter and spirit as per provisions of Rules under OUAT. All necessary steps have been taken sincerely by the opposite party to carry out the order of the Hon’ble Court as far as practicable under Rules of OUAT. The details of the provisions have been narrated in the previous paragraph about not allowing the petitioner for time bound promotions from 30.09.1983 to 31.05.2015 as per UGC norms which kindly be perused.”.

5. Learned counsel for the petitioner, though does not dispute the amount of Rs.11,76,629.13 having been received by the petitioner by account transfer, still contends that as per the petitioner’s calculation, his entitlements would be more and remain unpaid.

6. On consideration of the aforesaid rival submissions, in the considered opinion of this Court, it has to be held there has been substantial compliance of the order dated 25.09.1992 passed by this Court in O.J.C. No. 3390 of 1990. Further dispute, if any, that would be raised by the petitioner regarding his entitlements cannot form subject matter of the present adjudication and in any event, the petitioner always has the liberty to seek the remedy available under law for redressal of any further grievance.

7. Accordingly, the contempt petition is dismissed having been rendered infructuous after compliance of the order dated 25.09.1992 passed by this Court disposing of O.J.C. No. 3390 of 1990.

(Jaswant Singh)
Judge

(M.S.Sahoo)
Judge

November 30th, 2022
Cuttack

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