

IN THE HIGH COURT OF ORISSA AT CUTTACK

Suo Motu CONTC No.2439 of 2022

***Registrar (Judicial), Orissa
High Court***

.....

Petitioner

Mr. S.K. Samal, AGA

Vs.

***Abhaya Kumar Biswal,
Engineer-In-Chief, Water
Supply and Sanitation, Odisha,
Bhubaneswar***

.....

Opposite Parties-Contemnors

CORAM:JUSTICE SANJAY KUMAR MISHRA

ORDER

22.12.2022

Order No.

04.

The matter is taken up through hybrid mode.

2. This is a Suo Motu Contempt Proceeding initiated in terms of Order dated 21.10.2020, passed in CONTC No.4029/2020. Learned Counsel for the State submits that compliance Affidavit has already been filed since 22.04.2022 after serving copy of the same on the learned Counsel for the Petitioner, who has already filed an Objection against the said compliance Affidavit on 17.05.2022.
3. Learned Counsel for the State submits that in obedience to Order passed in W.P.(C) No.25460/2019, vide which a direction was given to treat the Writ Petition as representation of the Petitioner and take a decision and pass appropriate Order and this Court did not express any opinion on the merits of the case while passing the said Order, the Authority concerned has already passed a speaking and reasoned Order on 19.04.2022 as at Annexure-A/1.
4. Learned Counsel for the Petitioner submits that in view of the previous Order dated 09.02.1998 passed by the Division

Bench in OJC No.1838/1998, so also Order dated 28.02.2001 in Misc. Case No.9/1999, arising out of Original Criminal Misc. Case No.470/1998, the Order dated 19.04.2022 appended to the compliance Affidavit as Annexure-A/1 may not be accepted as compliance of the Order dated 20.12.2019 in W.P.(C) No.25460/2019 in its true sense.

5. For better appreciation, the Orders passed in OJC No.1838/1998, dated 09.02.1998 and Misc. Case No.9/1999, dated 28.02.2001, arising out of Original Criminal Misc. Case No.470/1998, are reproduced below:

“Heard learned counsel for petitioners, and the learned counsel for State.

2. Petitioners’ case is that they have moved the Engineer-in-Chief, Rural Water Supply & Sanitation, Orissa for regularisation of their services. It is stated that though several representations were made, they did not yield any result and lastly vide Annexure – 4 a fresh representation was made. If the same is still pending as asserted, let a final decision be taken within two months from the date of receipt of our order. Our order be communicated to opposite party no.2 along with a copy of writ application. Requisites and copy of writ application shall be filed within three days.

The writ application is disposed of. ”

“The Misc. case is allowed, and OCRMC No.470 of 1998 is reopened. Heard.

No satisfactory explanation has been given by the opposite parties for non-compliance of the order passed by this Court. It is directed that the contemnors-opposite parties shall comply with the order of this Court within four weeks from this date positively failing which the petitioners are at liberty to move this Court so that appropriate action can be taken.

Both Misc. Case and contempt application are disposed of.

Let this Order be communicated to the opposite parties forthwith on requisites being filed by day after tomorrow.”

6. However, on perusal of the Order quoted above passed by the Division Bench, so also Order dated 20.12.2019 passed by the coordinate Bench in W.P.(C) No.25460/2019, this Court is of the view that there was no specific direction either by the Division Bench in the earlier OJC or the coordinate Bench in W.P.(C) No.25460/2019 to regularize the service of the Petitioner. If the Petitioner feels aggrieved by the compliance Order dated 19.04.2022, he may approach appropriate forum for redressal of his grievances.

6. Accordingly, the Suo Motu CONTC is dropped.

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(S.K. MISHRA)
JUDGE