

IN THE HIGH COURT OF ORISSA AT CUTTACK
CONTC No. 643 of 2019

Minaketan Padhy

.... ***Petitioner***

Mr. Sashibhusan Jena, Advocate

-versus-

Mr. Pradipta Kumar Mohapatra,
I.A.S., Commissioner-cum-
Secretary, School & Mass
Education Department & Another

.... ***Opposite Parties***

Mr. S.N. Mohapatra, Standing Counsel
for School & Mass Education

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN

ORDER (Oral)
23.09.2022

Order No.

06.

This matter is taken up by virtual/physical mode.

1. The present contempt has been filed for the alleged non-compliance of the order dated 16th July, 2018 delivered in WP(C) No. 3159 of 2018, whereby the Opposite Parties- Contemnors were directed to extend annual increment to the Petitioner with consequential service benefits, while setting aside the order dated 11th January, 2018 passed by the OAT in O.A. No. 2851 of 2005.

2. Upon notice, a compliance affidavit dated 28th January, 2019 has been filed by Sri Bikash Chandra Mohapatra, Director, Text Book Production & Marketing, Bhubaneswar, whereby it is asserted that with the passing of the office order dated 29th October, 2018 by the Director, the order stands fully complied with.

3. At the time of hearing, counsel for the Petitioner submits that the increments have not been fixed in the correct admissible pay scale with effect from the date mentioned, however concedes that the same would provide a separate cause of action. He thus does not want to press the present contempt while seeking permission to pursue his available remedy against the aforesaid order in accordance with law.

4. Mr. S.N. Mishra, Standing Counsel for School & Mass Education has no objection.

5. In view of the above, the contempt petition is disposed of with liberty to the Petitioner to challenge the aforesaid order in accordance with law. The two years delay in laying such challenge will be deemed to be condoned for the purpose delay in seeking such remedy.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge