

IN THE HIGH COURT OF ORISSA AT CUTTACK
CONTC No. 1379 of 2017

Sri Purna Chandra Das

....

Petitioner

Mr. Somadarsan Mohanty, Advocate

-versus-

***Sri G. Srinivas, I.A.S. Principal
Secretary to Government, Labour &
Employees State Insurance
Department, Secretariat Building,
Bhubaneswar & Others***

....

Opposite Parties

Mr. L. Samantaray, AGA

**CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S. RAMAN**

ORDER (Oral)

07.07.2022

Order No.

- 08.**
- 1.** This matter is taken up by virtual/physical mode.
 - 2.** This contempt petition arises out of judgment dated 29th August, 2016 passed in W.P. (C) No. 22560 of 2015, wherein this Court at paragraph 23 directed as follows:-

“XXX

XXX

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Although the operative portion of the impugned order speaks about giving promotion on ad hoc basis, but directed to open the sealed cover and given promotion to Opposite Party No.1 basing on the decision of the D.P.C. held on 11.6.2012 via Annexure-4. The circular dated 4.7.1995 does speak about opening of sealed cover. We are, therefore, of the opinion that the operative portion of the order of the Tribunal needs modification. We, therefore, direct the appointing authority to consider the case of Opp. Party No.1 for ad hoc promotion by following the Circular dated 4.7.1995 as more than two years have

been elapsed from the last D.P.C. held on 11.6.2012. We further direct that the appointing authority would then send the case of Opp. Party No.1 to be considered by the Review D.P.C. In the event the D.P.C. considers him for ad hoc promotion bereft of pending criminal (vigilance) case, necessary consequential order will be passed as per the Circular dated 4.7.1995. The entire exercise be completed within a period of two months from the date of this order. The order of the Tribunal is modified to be extent observed above.”

3. Being aggrieved by the said judgment of this Court, the State preferred petition before the Hon’ble Supreme Court in SLP(C) No.24104 of 2017. The said Court vide order dated 18th July, 2019 passed the following order:-

“XXX XXX XXX XXX XXX.

In view of the aforesaid, keeping the question of law open, in the facts and circumstances of this case, we are not inclined to interfere in this matter, the order not to be treated as a precedent for any other case. The special leave petition is, accordingly, disposed of.”

4. This Court vide order dated 18th April, 2022 in the present contempt petition observed as follows:-

“XXX XXX XXX XXX

2. After hearing learned counsel for the parties and perusing the pleadings, we find that strictly speaking there is no willful disobedience. However, before finally deciding, we deem it appropriate to seek a report from the learned Special Judge, Vigilance, Sundergarh with regard to the stage of the trial in connection with Sambalpur Vigilance P.S. Case No.16 dated 31.03.2003 and the reasons for the delay.

3. List on 9th May, 2022.

4. Let the learned Special Judge, Vigilance, Sundergarh submit the report before the next date.”

5. This Court vide order dated 9th May, 2022 further directed the State Counsel as follows:-

“XXX XXX XXX XXX XXX

2. A Memo No.222 dated 07.05.2022 issued by the Additional District, Judge-cum-Special Judge (Vigilance), Sundergarh has been received in the Office, which is available on record for perusal. A copy of the same has been provided to Mr. L. Samantaray, learned AGA as well.

3. Mr. Samantaray is directed to find out as to how many witness still be required to be examined and their whereabouts.

4. The learned ADJ concerned is also directed to submit a fresh report reflecting the steps taken by the court to secure the presence of the witnesses in the backdrop of the earlier order passed by this Court directing the conclusion of the criminal trial expeditiously.”

6. When the matter is taken up today, the Petitioner pressed para-2 of the petition bearing I.A. No. 116 of 2022, which is to the following effect:-

“That the Petitioner does not want to proceed further in the aforesaid contempt case and wants to withdraw the same. Ends of justice require that the contempt petition may be disposed as withdrawn.”

And he made the following prayer:-

“It is, therefore, prayed that this Hon’ble Court may be pleased to permit the Petitioner to withdraw the contempt petition numbered as CONTC No. 1379 of 2017.”

7. In view of the specific prayer of the Petitioner for unconditional withdrawal of the contempt petition, the same is allowed.

8. Therefore, the contempt petition is dismissed as withdrawn.

Issue urgent certified copy as per rules.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge

Laxmikant

July 7th, 2022
Cuttack

