

IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC No.3497 of 2022

Sri Kelu Charan Ranasingh ***Petitioner***
Mr.Amiya Kumar Chhatoi, Advocate
-versus-
Satyabrata Sahu and another ***Opposite Parties***
Mr. YSP Babu, AGA

CORAM:
JUSTICE A.K.MOHAPATRA

ORDER
24.06.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the Petitioner and learned counsel for the contemnor.
3. It is submitted by Mr.Amiya Kumar Chhatoi, learned counsel for the Petitioner that initially the application of the Petitioner was disposed of by the tribunal, whereby the period of suspension is directed to be treated as duty and further the tribunal gave a direction to the effect that the Petitioner is entitled to all service and financial benefits. The tribunal has also directed that the Petitioner shall be given promotion from the date his juniors have got the promotion and the entire exercise shall be completed within a period of two months. Challenging the aforesaid order passed by the Tribunal, a writ petition was preferred before this Court which was registered as W.P (C) No.17631 of 2017. The said writ petition was subsequently dismissed by confirming the order passed by the tribunal. Thereafter challenging the order passed by this Court as has

been referred to hereinabove, the Govt. of Orissa preferred SLP before the Hon'ble Supreme Court of India bearing SLP(C) No.26830 of 2019. The said appeal was dismissed on 13.11.2019. After dismissal of SLP, the Govt. of Odisha vide order dated 19.8.2020 had given promotion to the Petitioner pursuant to direction of the learned Tribunal. It is submitted by learned counsel for the Petitioner that although the Petitioner had been given promotion, but he has not been extended the financial benefits he was entitled for and further submits that one part of the order has been complied with and the other part has not been complied.

4. Learned counsel for the Petitioner further submits that persons junior to the Petitioner were given promotion whereas Petitioner was not given the said benefits pursuant to directions of the tribunal dated 4.2.2013 and 30.9.2016.

5. Learned counsel for the State on the other hand submits that a sum of Rs.5,01,349/- and Rs.1,12,762/- has been sanctioned and disbursed in favour of the Petitioner on 25.3.2021 and 30.9.2021 for the period from March, 2010 to December 2015 and January, 2016 till the date of retirement.

6. Considering the aforesaid submission, the present contempt petition stands disposed of with a direction to the Opposite Parties to calculate the differential salary of the Petitioner from the date of notional promotion given and while calculating the differential salary, if any amount is paid to the Petitioner in that respect shall also be taken into consideration. It is further directed that the entire exercise shall be concluded within a period of four weeks from the date of production of certified copy of this order. It is made clear

that considering the fact the authorities committed a genuine mistake in the interpretation of the order of this Court, a last opportunity is given to the Contemnors to comply with the order of the Tribunal, which has already been confirmed by the Hon'ble Supreme Court, failing which, it would be constructed that the contemnors are deliberately violating the directions of Tribunal, High Court as well order of the Hon'ble Supreme Court and action as would be deemed fit and proper shall be taken for willful violation of the orders passed by this Court.

7. With the aforesaid direction, the contempt petition stands disposed of.

8. Issue urgent certified copy as per rules.

(A.K. Mohapatra)
Judge

U.K.Sahoo

