

IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC No.3750 OF 2022

Aswatthama Mohapatra **Petitioner**

Mr.K.C.Kanungo, Advocate

-versus-

Atul Chaturvedi, IAS **Contemnor/Opp.party**

Mr. Chandrakanta Pradhan, Advocate

CORAM:

JUSTICE JASWANT SINGH

JUSTICE M.S.SAHOO

ORDER

08.12.2022

Hybrid Mode

Order No.

03. 1. By filing the present petition, the petitioner alleges non-compliance of the order passed by this Court dated 16.02.2022 disposing of W.P.(C) No.14859 of 2009 and prays the Court to proceed against the opposite party as per the provisions of the Contempt of Courts Act.
2. Pursuant to the notice issued by this Court, the opposite party-Joint Commissioner, Central Poultry Development Organization (ER), Govt. of India Ministry of Fisheries, Animal Husbandry & Dairying (A.H. & D), Department of A.H & D., having its office at Nayapalli, Bhubaneswar, Dist-Khurda has filed compliance affidavit dated 30.11.2022, copy of which has been served on the learned counsel for the petitioner and the matter was adjourned on 30.11.2022 as requested by the learned counsel for the petitioner.

Regarding the steps taken for compliance of this Court's order dated 16.02.2022 disposing of W.P.(C) No.14859 of 2009, at paragraphs-3 & 4 of the said affidavit, the following has been stated :

“3.That, after receiving the order of this Hon’ble Court, the opposite parties have taken prompt steps and communicated to the competent authority and then the matter was referred to DOPT for further action for compliance of the order dated 16.2.2022 passed by this Hon’ble Court.

4. That it is humbly submitted that in compliance to order dated 16.2.2022 passed by this Hon’ble Court, the opposite party no.1-Ministry of Fisheries, Animal Husbandry & Dairying passed a reasoned order vide No.Q-11025/3/2022-Admn.NLM. (E-21877) dated 01.11.2022 under the intimation to the petitioner the copy of which has already been served by the deponent vide this office letter dated 09.11.2022, copy of which is attached herewith as Annexure-A and copy of the Department's order dated 01.11.2022 is attached as Annexure-B.”

3. In support of the statements made in paragraphs 3 & 4, letter no. 807 dated 09.11.2022 issued by the Govt. of India, Ministry of Fisheries, Animal Husbandry & Dairying, Deptt. of Animal Husbandry & Dairying and the letter dated 1.11.2022 from the Under Secretary, Govt. of India, Govt. of India, Ministry of Fisheries, Animal Husbandry & Dairying, New Delhi addressed to the Joint Commissioner, CPDO, Bhubaneswar has been annexed to the compliance affidavit.

As indicated in the said letter, petitioner is to be granted a first financial up-gradation (pay scale/Level Rs.4500-7000 w.e.f. 07.11.1999) instead of (pay scale/Level already granted Rs.3200-4900 w.e.f. 07.11.1999) ; second financial up-gradations to be granted (pay scale/Level Rs.9300-34800/- + Rs.4200/- w.e.f. 01.09.2008 instead of (pay scale/Level already granted Rs. 5200-20200/-+ Rs.2400/- w.e.f. 01.09.2008 and third financial up-gradations to be granted (pay scale/Level Rs.44900-142400/- w.e.f. 07.11.2017 instead of (pay scale/Level already granted Rs.29200-92300/- w.e.f. 07.11.2017).

4. Learned counsel for the petitioner though does not dispute the letter dated 01.11.2022 marked as Annexure-B to the compliance affidavit and the implication thereof, but raises a grievance that the petitioner is yet to get actual financial benefits

In response, learned CGC submits that all expeditious steps shall be taken by the authority for fixation/calculation and disbursal of the actual financial benefits and the differential amount due to the petitioner within a further reasonable time as would be granted by this Court.

6. In view of the above, in considered opinion of this Court, there has been substantial compliance of the order dated 16.02.2022 disposing of W.P.(C) No.14859 of 2009 and it is hoped that the admissible dues of the

petitioner shall be released to him in an expeditious manner not later than 31st March,2023.

The contempt petition is disposed of accordingly.

(Jaswant Singh)
Judge

(M.S.Sahoo)
Judge

08th December, 2022
Cuttack

Gs/dutta

