

IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC No.368 of 2011

Bijaya Kumar Sahoo

....

Petitioner

Mr. M.K. Mishra, Advocate

-versus-

Bijaya Chandra Jena and others

....

Opposite Parties

Mr. B.K. Pattnaik, Advocate

CORAM:

THE CHIEF JUSTICE

JUSTICE R. K. PATTANAİK

ORDER

11.05.2022

Order No.

11. 1. The only remaining grievance of the Petitioner in the present contempt petition is that he should be, pursuant to the order dated 15th March, 2012 passed by this Court in the present proceedings, appointed as a clerk in the Opposite Party No.1 undertaking.
2. This Court has perused carefully, the order dated 15th March, 2012 passed by this Court. It appears that this Court accepted the plea of Opposite Party No.1 that for the Petitioner to be absorbed in the post of clerk pursuant to the judgment dated 28th July, 2010 passed by this Court in W.A. No.42 of 2006 “he is required to pass the required written test”. A direction was accordingly issued by this Court that “after passing the said test, the contemnor shall consider the claim of the complainant to place him above his juniors.”

3. The contention of learned counsel for the Petitioner is that the above directions were only the context of the Petitioner's 'seniority' above his juniors and not for the purposes of being absorbed as a clerk. He states the Petitioner, although reinstated as 'helper', was in fact discharging the duties of a 'clerk'.

4. This Court unable to accept the above submissions. A reading of the above order dated 15th March, 2012 of this Court leaves no doubt that if the Petitioner had to be absorbed as clerk, he would have to pass the required written test. There is no sentence in the said order with states that if the Petitioner did not pass the test, he would nevertheless be absorbed as a clerk foregoing his seniority as is today suggested by the learned counsel for the Petitioner.

5. In that view of the matter, no further directions are called for in the present contempt petition and it is disposed of as such.

(Dr. S. Muralidhar)
Chief Justice

(R. K. Pattanaik)
Judge