

IN THE HIGH COURT OF ORISSA AT CUTTACK
CONTC No. 2199 of 2009

Dwarikanath Nayak

....

Petitioner

Ms. Ananya Routray, Advocate

-versus-

***Mr. Rabi Ranjan Mallick, Director,
Municipal Administration and Ex-
Officio, Addl. Secretary to
Government, Housing and Urban
Development Department***

....

Opposite Party

Mr. A. Rath, ASC

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

**ORDER
06.05.2022**

Order No.

10. 1. This matter is taken up by virtual/physical mode.
2. The contempt petition has come to be filed in the year 2009 by Dwarikanath Nayak as Junior Assistant/ Clerk engaged on N.M.R. basis in Cuttack Municipal Corporation since 1st November, 1990, with a grievance that the judgment and order dated 17th December, 2008 of this Court has not been complied with. This Court in the said judgment passed the following order:-

“In course of hearing of this case, by order dated 15.12.2008 we directed the Corporation to produce the personal file of the Petitioner indicating his date of appointment. Today learned counsel for the O.P. Corporation files a Memo along with the communication dated 16.12.2008 addressed to its Advocate (Sri S.K. Nayak) enclosing therewith

P.T.O.

the Xerox copy of the extract from the original list of N.M.R. employees of the Corporation. The aforesaid document shows that the petitioner joined the Corporation on 1.11.1990 and his nature of work is Accounts (Clerical).

This being so, we have no hesitation to set aside the order dated 19.7.2001 passed by the Director, Municipal Administration in Annexure-6 and accordingly, we do so. The Director, Municipal Administration, is directed to consider the case of the Petitioner for regularization of his services and take appropriate decision on the same accordance with law. Let the entire exercise be completed within three months from the date of communication of this order.

The writ application is allowed accordingly”

3. On 14th February, 2022, 10th March, 2022 and 8th April, 2022, the counsel for the Opposite Parties sought for time to file a compliance report. Accordingly, the copy of the letter bearing No. 5617-HUD-LFS-CASECP-0003-2022/HUD, dated 23rd February, 2022 addressing to the learned Advocate General showing compliance of direction contained in Judgment dated 17th December, 2008 has been filed before this Court which is taken on record. Perusal of copy of order enclosed thereto reflects the following:-

*“The regularization of service of Sri Santosh Kumar Samal, Sri Rashmiranjan Singh & **Sri Dwaraknath Nayak** are made in pursuance of orders of Hon’ble High Court, Odisha Passed in OJC No.6402/2002, OJC No.5018/1999 & **OJC No.5016/1999** respectively.”*

4. Considering the aforesaid order issued by Deputy Secretary to Government in the Housing and Urban Development

Department, this Court is of the opinion that the direction in writ petition has been complied with.

5. Accordingly, the contempt is dropped and contempt petition is dismissed. However, in case the Petitioner feels that the directions contained in Judgment dated 17th December, 2008 has not been fully complied with, liberty is granted for revival of the contempt petition within a period of fifteen days from today.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge

Laxmikant

May 6 , 2022
Cuttack

