

IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC No.1185 of 2019

Prasanna Kumar Senapati

.... Petitioner

Mr. Santosh Kumar Pattanaik, Advocate

-versus-

Nikunja Bihari Dhal, I.A.S

***.... Contemnor/
Opp. Party***

Mr. M. K. Khuntia, AGA

CORAM:

JUSTICE JASWANT SINGH

JUSTICE M.S. RAMAN

ORDER (Oral)

05.07.2022

Order No.

- 02.**
- 1.** This matter is taken up through hybrid arrangement (virtual/physical mode).
 - 2.** The present contempt has been filed alleging that the order dated 9th August, 2018 passed by this Court in W.P.(C) No.2840 of 2013 has not been complied with.
 - 3.** For ready reference, Para 5 & 6 of the order dated 9th August, 2018 read as under:

“5. In view of such discrepancy, the decision of the DPC, in which the CCRs of the petitioner as well as Sri Nayak (opposite party No.4) for the year 2000-01 and 2001-02 were taken into consideration, is vitiated. Thus, the impugned order confirming the promotion of the opposite party No.4 is not sustainable. Accordingly, the same is set aside.

6. In the result, the writ petition is allowed. The matter is remitted back to the

opposite party No.1 to reconsider the case of the petitioner for promotion vis-a-vis the opposite party No.4 by convening a review DPC and to take consequential steps after holding the review DPC. The entire exercise shall be completed within a period of three months from today.”

4. At the time of hearing, Mr. Khuntia states that against the aforesaid order the affected person, i.e., Opposite Party No.4-Sri Bijayananda Nayak has filed a SLP. However, the answering contemnors have duly complied with the aforesaid directions vide order dated 15th October, 2019, whereby the petitioner was promoted in OAS Class-II notionally with effect from 31st December, 2010 i.e. the date of promotion of his immediate junior, subject of course to the pending SLP filed by Sri Bijayananda Nayak. He thus submits that in case the petitioner has any grievance, he has a separate cause of action.

5. In view of the above, we find no grounds to pursue the present contempt.

6. The CONTC is accordingly disposed of.

(Jaswant Singh)
Judge

(M. S. Raman)
Judge

AKK

05th July, 2022
Cuttack