

IN THE HIGH COURT OF ORISSA AT CUTTACK
CONTC No.4394 of 2022

Rabindra Kumar Biswal

....

Petitioner

Mr. Prabodha Chandra Nayak, Advocate

-versus-

***Shri Pradipata Jena, Principal
Secretary, Rural Development
Department, Government of Odisha
& others***

....

Opposite Party

Mr. L. Samantaray, AGA

CORAM:

JUSTICE JASWANT SINGH

JUSTICE M.S. RAMAN

ORDER (Oral)

14.10.2022

Order No.

02. This matter is taken up by virtual/physical mode.

1. Complaining wilful disobedience by Mr. Satyajit Dalai, Executive Engineer, Rural Works Division, Nimapara (Opposite Party No.2), has filed the contempt petition by bringing it to the notice of this Court that the directions contained in order dated 18th February, 2021 passed in W.P.(C) No.5714 of 2021 has not been complied with.

2. Mr. L. Samantaray, Additional Government Advocate was directed to seek instruction with respect to compliance of the direction *vide* order dated 27th July, 2022 pursuant to which the compliance affidavit has been filed by the Opposite Party No.2- Satyajit Dalai, Executive Engineer, Rural Works Division, Nimapara. Paragraph Nos. 5, 6 & 7 of the said affidavit are quoted hereunder for better appreciation of the fact:-

“5. That the deponent humbly begs to submit that as per the agreement clause No.47.1 (a) (b) (c) and Clause 49.1 the Petitioner has already taken a sum of Rs.88118/- vide letter No.1820 dt.27.04.2019 of OSDMA towards payment of enhanced minimum labour wages on completion of the work upto stipulated date of completion i.e. on 19th September, 2015 from the managing Director, OSDMA.

6. That it is humbly submitted that the Junior Engineer, R.W Section, Konark apprised that the labour license with regard to labourers engaged in the work have not been submitted by the agency. The Junior Engineer submitted that there is no dues for payment to the agency vide his office letter No.05 dated.14.07.2021

7. That it is most humbly and respectfully submitted that the deponent after going through the records and other material disposed of the representation of the petitioner by a speaking order vide letter No.3462 dtd.16.07.2022 by rejecting the same as the Petitioner is not entitled to further amount.”

3. Since the direction of this Court contained in order dated 18th February, 2021 passed in W.P.(C) No 5714 of 2021 has been complied with, this Court finds no wilful or deliberate violation of said direction.

4. As there is no wilful disobedience in view of the compliance affidavit filed by the contemnor, this Court does not warrant to proceed any further with the contempt petition.

(Jaswant Singh)
Judge

(M.S. Raman)
Judge

Laxmikant

October 14, 2022 Cuttack

