

IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC No. 3257 of 2020

Chema Nayak

....

Petitioner

Mr. N. Panda, Advocate

-versus-

Abhaya Biswal

....

*Opposite Party/Alleged
Contemnor*

Mr. S.K. Samal, AGA

CORAM: JUSTICE V. NARASINGH

ORDER
19.07.2022

Order No.

03.

1. This matter is taken up through hybrid mode.
2. Heard Mr. N Panda learned counsel for the petitioner and Mr. S.K. Samal learned Additional Government Advocate for the alleged Contemnor.
3. Alleging violation of the order passed by this Court dated 01.11.2019 in W.P.(C) No.20554 of 2019, the present CONTC has been filed. The operative portion of the order for the non-compliance of which the present CONTC has been filed is extracted hereunder;

X X X X X X

“Considering the facts and circumstances of this case, without expressing any opinion on the merits of the case, this writ petition stands disposed of with the direction that in case the petitioner, with regard to the grievance made in this petition, files a fresh Comprehensive

representation before the opposite party No.3 within a period of fifteen days, the same shall be considered and decided by the authority in accordance with law, as expeditiously as possible, preferably within a period of three months from the date of receipt of such representation alongwith the certified copy of this order.

Issue urgent certified copy as per rules.”

X X X X X X

Show cause affidavit has been filed. Copy of which has been served on the learned counsel for the petitioner and in response thereof he has filed rejoinder.

4. On perusal of Annexure-B dated 04.02.2020 which is on record as part of the counter affidavit, it is seen that in terms of the direction passed by this Court, on consideration the prayer of the petitioner to be brought over to the regular establishment has been rejected.

5. It is submitted by the learned counsel for the petitioner relying on the recitals in the rejoinder that such action of the authorities is in patent violation of the law laid down by the Apex Court in the Case of ***State of Karnatak Vrs. Umadevi*** and also order of this Court in the Case of ***Sanatan Sahoo Vs. State of Odisha*** dated 01.11.2017 in W.P.(C) No.14365 of 2015.

6. Since in terms of the direction of this Court dated 01.11.2019 order has been passed by the Opposite Party at Annexure-B, it is open to the petitioner to assail the same by filing an appropriate application if so advised.

7. In view of the order passed at Annexure-B no further order need be passed in the present CONTC. The same is accordingly dropped and disposed of.
8. Urgent certified copy of this order be granted as per rules.

(V. NARASINGH)
Judge

Santoshi

