

**IN THE HIGH COURT OF ORISSA AT CUTTACK**  
**CONTC No.1703 of 2018**

***Surendra Kumar Moharana*** .... ***Petitioner***  
Mr. B.S. Tripathy (1), Advocate

-versus-

***Mrs. Puspallata Minz, District*** .... ***Opposite Party/***  
***Education Officer, Sonapur*** ***Contemnor***  
Mr. R.C. Pattnaik,  
Standing Counsel for the School & Mass Education

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

**ORDER (Oral)**

**02.08.2022**

**Order No.**

18. 1. This matter is taken up through virtual/physical mode.
2. The present Contempt Petition has been filed for the alleged violation of the order dated 26<sup>th</sup> April, 2018 passed by this Court in W.P.(C) No.16766 of 2007, whereby the following directions were given:-

*“Considering the aforesaid decision of the Apex Court, we set aside the impugned order dated 9.10.2017 passed by the Orissa Administrative Tribunal, Bhubaneswar in O.A. No.413 of 2000 with a direction to opposite Party No.3-Inspector of Schools, Sonapur Circle (after bifurcation of the district now it is Sonapur) to approve the appointment of the petitioner as per 1974 recruitment rules. The above exercise shall be completed within a period of three months on production of the certified copy of the order.”*

3. Upon notice, the compliance affidavit dated 13<sup>th</sup> February, 2020 of Smt. Pushpa Minz, District Education Officer, Sonapur has been filed, wherein the reasons for delay in implementing the orders have been provided. It is further stated that upon consideration of the matter, the admissible relief to the Petitioner has been granted vide order dated 12<sup>th</sup> February, 2020, whereby the appointment of the Peon with

retrospective effect, i.e. 20<sup>th</sup> May, 1994 has been approved with notional benefits.

4. Counsel for the Petitioner has vehemently contended that the terms of relief granted by the order dated 12<sup>th</sup> February, 2020 are not in consonance with the true letter and spirit of the orders passed by this Court and relief sought to be granted.

5. Be that as it may, learned counsel for the Petitioner concedes that keeping in view the nature of contempt jurisdiction, and the aforesaid order having been passed, no willful disobedience can be attributed though he asserts complete lack of proper legal understanding on the part of the contemnor. He further concedes that the Petitioner would have a separate remedy of challenging the aforesaid order, whereby consequential benefits in full have not been granted.

6. In response, counsel for the Opposite Party-Contemnor is unable to rebut the availability of separate remedy to the Petitioner.

7. In view of the above, we drop the contempt proceedings with liberty to the Petitioner to seek his available remedy qua the aforesaid order dated 12<sup>th</sup> February, 2020 in accordance with law.

8. Accordingly, the CONTC is disposed of with the aforesaid liberty.

Issue urgent certified copy as per rules.

**(Jaswant Singh)**  
**Judge**

**(M.S. Raman)**  
**Judge**