

IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC No. 5321 of 2020

Jashobanta Kumar Bishi

....

Petitioner

Mr. A.K.Pattnaik, Advocate

-versus-

Sanjib Kumar Routray

....

Opp.Party

Mr. P.K.Mohanty, ASC

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

**ORDER
2.12.2022**

Order No.

Hybrid Mode

04.

1. By filing the present petition, the petitioner alleges non-compliance of the order passed by this Court dated 10.12.2019 disposing of W.P.(C) No.24178 of 2019 and pray the Court to proceed against the opposite parties as per the provisions of the Contempt of Courts Act, 1971.

2. Pursuant to the notice issued by this Court, the Executive Engineer, Rural Works Division, Dharamgarh, Dist. Kalahandi has filed show-cause affidavit stating therein the steps taken for compliance of the order passed by this Court. Paragraphs 4 to 8 of the compliance affidavit are quoted herein :

“4. That, it is respectfully submitted that for compliance of the kind order of the Hon’ble Court dated 10.12.2019 passed in W.P.(C) No. 24178 of 2019, the Opp. Party vide letter dated 6.1.2020 requested the petitioner to submit documents as stated therein for reimbursement of minimum wages as enhanced as per Minimum Wages Act and Rules. Copy of letter dated 6.1.2020 is annexed herewith as Annexure-A.

5. That, pursuant to the letter under Annexure-A, the petitioner submitted documents to the Opp. Party on 10.1.2020, as would be evident from letter dated

10.1.2020. Copy of letter dated 10.1.2020 is annexed herewith as Annexure-B.

On receipt of the documents under Annexure-B above, Opp. Party submitted the same to the Superintending Engineer, Rural Works Circle, Bhawanipatna vide letter dated 11.2.2020 for approval. Copy of letter dated 11.2.2020 is annexed herewith as Annexure-C.

Thereafter, the Superintending Engineer, Rural Works Circle, Bhawanipatna by virtue of letter dated 19.2.2020 sought for two more documents from the Opp. Party for the purpose. Copy of letter dated 19.2.2020 is annexed herewith as Annexure-D.

Subsequently, the Opp. Party in compliance to Annexure-D, submitted the documents to the Superintending Engineer, Rural Works Circle, Bhawanipatna on 17.3.2020. Copy of letter dated 17.3.2020 is annexed herewith as Annexure-E.

Meanwhile, the Chief Engineer, PMGSY, Rural Works, Bhubaneswar by virtue of letter dated 26.06.2020 was pleased to request the Opp. Party to give 4 (four) more necessary documents for consideration and approval of the detailed calculation differential cost of minimum wages. Copy of letter dated 26.06.2020 is annexed herewith as Annexure-F.

Thereafter, the opposite party in compliance to Annexure-F by virtue of letter dated 06.08.2020 submitted the compliance documents to the Engineer-In-Chief, Rural Works, Odisha Bhubaneswar as desired. Copy of letter dated 06.08.2020 is annexed herewith as Annexure-G.

The Opp. Party asked the petitioner to submit the required documents in accordance with O.M. dt.07.06.2021 of Works Deptt., Govt. of Odisha for disposal of the price escalation claim by virtue of letter dtd.02.07.2021. Copy of letter dated 02.07.2021 is annexed herewith as Annexure-H. Copy of letter dated 07.06.2021 is annexed herewith as Annexure-I.

Meanwhile, the Chief Engineer, Buildings & Bridges, Rural Works, Odisha, Bhubaneswar by virtue of letter dated 03.09.2022 was further pleased to return the proposal submitted by the Opp. Party and requested him for finalization the escalation bills in accordance with Office Memorandum dt 07.06.2021 of Works Deptt. Govt. of Odisha. Copy of letter dated 03.09.2022 is annexed herewith as Annexure-J.

6. That, accordingly, the Opp. Party by virtue of letter dated 13.10.2022 was pleased to intimate the petitioner to submit required documents for calculation of labour escalation as per instruction of higher authorities. Copy of letter dated 13.10.2022 is annexed herein as Annexure-K.

When no such document has been received as per Annexure-K, the Opp. Party vide letter dated 28.10.2022 & dated 04.11.2022 again requested & reminded the petitioner to furnish all the documents as asked for earlier. Copy of letter dated 28.10.2022 & dated 04.11.2022 are annexed herewith as Annexure-L.

7. That, it is humbly submitted that the petitioner is sitting idle over the matter and not furnishing the documents as called for repeatedly for calculating the cost of price escalation and for early settlement of his claim. Due to such non-cooperation of the petitioner, the claim of the petitioner could not be settled.

8. That, it is most humbly submitted that the authority has no objection to settle the legitimate claim of the petitioner, if all the required genuine documents are provided. The deponent further undertakes that if the petitioner submits the required genuine documents as called for vide Annexure-K & L, the legitimate claim of the petitioner will be settled as per the kind order of the Hon'ble Court dated 10.12.2019 passed in W.P.(C) No. 24178 of 2019."

3. In considered opinion of this Court, in view of the submissions made in the compliance affidavit regarding the detailed steps taken by the appropriate authority, it has to be held that there has been substantial compliance of the Court's

order 10.12.2019 disposing of W.P.(C) No.24177 of 2019 and the contempt petition has been rendered infructuous and is accordingly dismissed.

4. To subserve interest of justice, it is further observed that as indicated in paragraph-8 of the compliance affidavit if the petitioner submits all the required authenticated documents as requested by the O.P.-authority to substantiate the claims of the petitioner, if any, it shall be settled in accordance with law.

(Jaswant Singh)
Judge

(M.S.Sahoo)
Judge

2nd December, 2022
Cuttack

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