

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.C. (OAC) No.4389 of 2011

Chandramani Sahu

Petitioner
....
Mr. B. K. Rout, Advocate

-versus-

State of Orissa & Others

Opposite Parties
....
Mr. P.K. Mohanty, ASC

CONTC (CPC) No.660 of 2012

Chandramani Sahu

Petitioner
....
Mr. B. K. Rout, Advocate

-versus-

***Siba Sankar Pradhan, District
Inspector of Schools, Baliguda,
District-Kandhamal and Others***

***Contemnors/
Opposite Parties***
....
Mr. P.K. Mohanty, ASC

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

ORDER

18.10.2022

Order No.

- 01.
1. The Original Application No.4389 (C) of 2011 was filed before the Odisha Administrative Tribunal, Cuttack Bench, Cuttack. After its abolition, the same has been transferred to this Court which is renumbered as WPC (OAC) No. 4389 of 2011.
 2. Projecting inaction on the part of the opposite parties in not sanctioning and disbursing the advance from GPF and non-payment of monthly salary since July, 2011 till the date of filing, the petitioner has come up before this Court alleging violation of Rule 15 of the General Provident Fund (Odisha) Rules, 1938.
 3. The learned Administrative Tribunal *vide* order dated 21st December, 2011 issued notice and as an interim measure,

directed the opposite parties for disbursal of monthly salary in the event the petitioner had been discharging his duties. However, there was non-compliance of such interim direction which compelled the petitioner to file Contempt Petition No.660(C)/2012. The learned Tribunal vide order dated 8th April, 2013 passed the following order:

“ This petition has been filed by the applicant with a prayer to initiate a contempt proceeding against the respondents under the Contempt of Courts Act, 1971 for violation of the order of the Tribunal passed in O.A. 4389(c)/2011.

Heard Mr. B.K. Rout, learned counsel for the applicant and Mr. R.N. Acharya, learned Standing Counsel, S & ME.

Mr. Rout, learned counsel submits that vide order dated 21.12.2011 this Tribunal while issuing notice on the question of admission specifically indicating therein that the matter is likely to be disposed of at the stage of admission, had directed to file counter within 6 weeks and rejoinder within two weeks thereafter and to put up this matter immediately after the pleadings are completed. So far as interim prayer is concerned, it was directed that if the applicant is discharging his duties, his monthly salary shall be disbursed in his favour if there is no other impediment. In spite of the said order, since no salary has been disbursed in favour of the applicant, the present C.P has been filed for initiation of the contempt proceeding against the respondent authorities.

When this matter was taken up on 11.1.2013, as prayed for by the learned Standing Counsel the matter was adjourned to 8.2.2012 for enabling him to see that the order of this Tribunal will be complied. In spite of that order since it was not complied, the matter was again listed on 6.3.2013. On that date the learned counsel for the applicant submitted that the order of this Tribunal dated 21.12.2011 has not been complied, since salary as due and admissible to the applicant has not been disbursed in his favour even though he is discharging his duties in his present place of posting. In that view of the matter notice was issued

to the respondent Nos.2,3 and 4 i.e. D.I of Schools, Baliguda, Sub Inspector of Schools, Circle-I, Tumudibandha and Block Development Officer, Tumudibandha to file an affidavit specifically indicating therein as to what steps have been taken by the respondents, keeping in view the interim order dated 21.12.2011. Even though notice has already been issued to the contempt-respondents Nos.2,3 and 4 on 14.3.2013, till date no affidavit has Venn filed by them indicating therein as to whether salary as due and admissible to the applicant has already been paid to him or not.

As it appears, the respondent Nos.2,3 and 4 intentionally violated the order of this Tribunal in not filing affidavit indicating therein as to what steps have been taken by them for implementation of the earlier order dated 21.12.2011.

In view of the above, Siba Sankar Pradhan, District Inspector of Schools, Baliguda/ respondent No.2, Maheswar Majhi, Sub Inspector of Schools, Circle-I, Tumudibandha/ respondent No.3 and Rabinarayan Jethy, Block Development Officer, Tumudibandha/ respondent No.4 are directed to appear in person and file their show cause, as to why appropriate proceeding under the Contempt of Courts Act shall not be initiated against them and as to why they shall not be punished for their intentional violation of the order of this Tribunal dated 21.12.2011 and subsequent order of this Tribunal. It need not be said that, if the show cause shall not be satisfactory the charges of contempt shall be served on them.

Put up this matter on 6.5.2013.

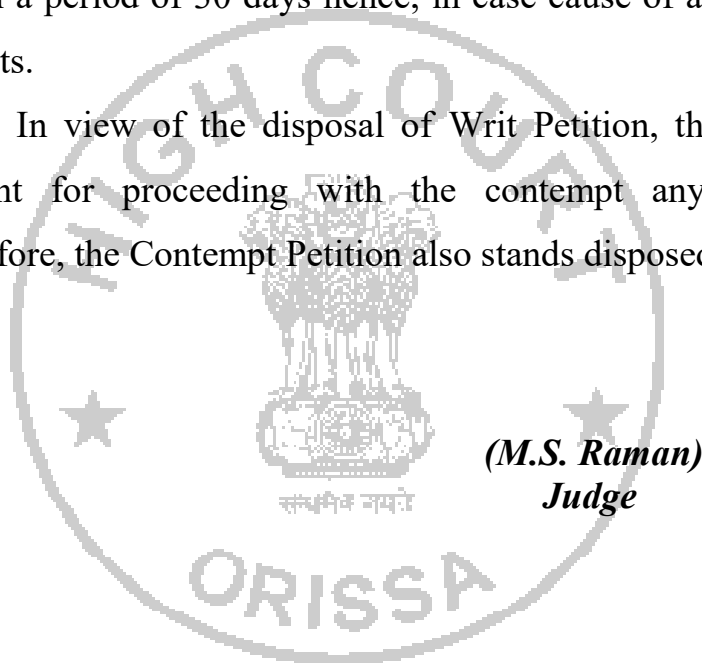
However, it need not be said if in the meantime up to date salary of the applicant shall be disbursed in his favour by the respondent Nos.2,3 and 4 by 30.4.2013, they may not appear on 6.5.2013, but they shall file compliance report by that date.

Send copies and a copy of this order be handed over to Mr. R.N. Acharya, learned Standing Counsel, S & ME.

Steps for service of notice on the respondent Nos.2,3 and 4 be taken by 10.4.2013.”

4. Subsequently, on 15.5.2013 on appreciation of factual details, the learned Tribunal has dispensed with personal appearance of BDO, Tumudibandha Block and directed for taking steps to sanction of amount towards withdrawal of GPF *vide* order dated 19.08.2014. Today when the matter is taken up, Mr. B. K. Rout, learned counsel for petitioner appeared and submitted that he has no instructions from his client. This matter being of the year 2011, keeping the matter pending will not serve any purpose. Hence the writ petition is dismissed reserving liberty to the petitioner to revive the Writ Petition within a period of 30 days hence, in case cause of action still subsists.

5. In view of the disposal of Writ Petition, there is no warrant for proceeding with the contempt any further. Therefore, the Contempt Petition also stands disposed of.



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