



IN THE HIGH COURT OF ORISSA AT CUTTACK
CONTC No.8389 of 2023

Sobharani Behera

....

Petitioner

Mr. S.B. Mohanty, Advocate

-versus-

***Manoj Sharma, G.M., East Coast
Railway, BBSR***

....

Opposite Parties

*Mr. P.K. Parhi, DSGI along with
Mr. B.K. Padhi, CGC*

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE MURAHARI SRI RAMAN

Order No.
06.

ORDER
21.05.2024

This matter is taken up through Hybrid Mode.

2. The petitioner alleges disobedience of this Court's order dated 07.04.2021, whereby W.P.(C) No.10620 of 2018 was disposed of, read with an order dated 01.11.2021 passed on an Interlocutory Application, i.e., I.A. No.14707 of 2021 filed after disposal of the said writ petition. The order dated 07.04.2021 reads as under:-

- "1. This matter is taken up by video conferencing mode.*
- 2. Learned counsel for the Petitioner states that the Petitioner has received information on 20th February, 2020 from the office of the Senior Divisional Finance Manager, East Coast Railway (ECR), Khurda that instructions have been issued to the Senior DPO, ECR to reconstruct the service record of the Petitioner's late husband. He accordingly states that the Petitioner will follow up the matter for grant of family pension with the ECR. Reserving the Petitioner's liberty to seek appropriate remedies if there is a delay in her getting the family pension, the writ petition is disposed of.*
- 4. As the restrictions due to the COVID-19 situation are continuing, learned counsel for the parties may utilize a soft copy of this order available in the High Court's website or print out thereof at par with certified copy in the manner*



prescribed, vide Court's Notice No.4587, dated 25th March, 2020."

3. On close reading of paragraph-2 of the said order, we find that there was no positive direction issued to any authority to be complied with.

4. The order dated 01.11.2021 passed in I.A. No.14707 of 2021 reads as under:-

"1. The prayer in this I.A. is that there should be a specific time limit indicated for compliance with the directions issued by this Court on 7th April, 2021.

2. In that view of the matter, a direction is issued to the General Manager, East Coast Railway, Bhubaneswar (Opposite Party No.2) to complete the steps indicated in the order dated 7th April, 2021 not later than 1st December, 2021.

3. The I.A. is accordingly disposed of."

5. We are of the considered view that a case of disobedience of a direction or order of this Court can be made out only if it is shown that there was some order or direction issued by this Court. In the absence of any specific direction issued by this Court, in our opinion, no case of disobedience of this Court's order is made out.

6. The contempt proceeding stands dropped accordingly.

7. It goes without saying the petitioner shall have the liberty to pursue her remedy in accordance with law.

(Chakradhari Sharan Singh)
Chief Justice

(M.S. Raman)
Judge

Signature Not Verified

Digitally Signed
Signed by: MANORANJAN SAMAL
Designation: Personal Assistant
Reason: Authentication
Location: Orissa High Court, Cuttack
Date: 23-May-2024 08:12:51

