IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC No.389 of 2025

Madhusmita Dutta ..... ***Petitioner***

Represented by
Mr. S.P.Mohapatra,
Advocate

-versus-

Arvind Agarwal, IAS & Others ..... ***Opp.Parties***

Represented by

A.G.A.

CORAM:

THE HON'BLE MR. JUSTICE SASHIKANTA MISHRA

ORDER

Order No. **08.4.2026.**

9. 1. This matter is taken up through hybrid mode.

2. As directed, a further compliance affidavit has been filed by the Director, Higher Education Department, inter alia, stating as follows;

> *"5. That, in compliance with the Judgment dated 09.05.2024, the Opposite Party has issued an office order vide Order No. 21245 dated 30.05.2024, whereby the said period has been duly regularized as Extraordinary Leave (EOL) in terms of Rule 12(6) of the Odisha Leave Rules, 1977. It is pertinent to state that an amount of Rs. 60,66,384/- (Rupees Sixty Lakh Sixty-Six Thousand Three Hundred Eighty-Four only) has been released in favour of the Petitioner towards admissible arrear salary for the period from 10.01.2006 to 31.07.2017 in respect of Joda Women's College and from 01.08.2017 to 31.01.2023 in respect of Siddheswar*

Degree College, after due fixation and adjustment of amounts already paid. Further, the Petitioner has been considered for grant of promotional benefits to the post of Lecturer (Group-A) with effect from 05.09.2005 vide Government Notification No. 7223/HE dated 09.02.2026. The same has been duly brought on record by way of additional affidavit pursuant to Order dated 21.01.2026 passed by the Hon'ble Court in CONTC No.389/2025. However, while taking up the matter for adjudication, the Hon'ble Court, vide order dated 16.03.2025, was pleased to direct the Opposite Party to file a comprehensive affidavit indicating full compliance of the earlier directions.

6. That, it is further submitted that the pensionary benefits of the petitioner are being processed on basis of the re-fixed pay and qualifying service, in accordance with the applicable rules. In this regard, the Principal, Siddeshwar Degree College, Amarda Road, District Balasore, has already requested the petitioner vide Letter dtd.23.03.26, to submit the final pension and gratuity proposals. The petitioner in reply to the above letter has refused to sign the pension papers unless full compliance of her claim is made.

7. That, with regard to the claim of the petitioner for placement in the Reader Scale, it is submitted that the same was duly considered by the Departmental Screening Committee but could not be acceded to due to non-availability of CCR/ACR records, as required under the relevant statutory provisions. The said position remains unchanged.

8. That, after receipt of the order dated 16.03.2026 passed by the Hon'ble Court in CONTC No.389/2025, in compliance with the direction contained therein, in compliance with the Order dated 09.05.2024 passed by the Hon'ble High Court, the period from 23.09.1995 to 09.01.2006 has been treated as duty for all intents and purposes. Consequently, the Petitioner has been held entitled to all consequential service and financial benefits arising therefrom, including pay fixation, grant of increments, and arrears, in accordance with law, after due adjustment of amounts already paid. It is respectfully submitted that the financial benefits pertaining to the aforesaid period are to be borne and disbursed by the Governing Body of Joda Women's College, Joda, Keonjhar. In pursuance thereof, the Principal of Joda Women's College has issued a cheque bearing No. 954165 dated 06.04.2026 for a sum of Rs. 10,64,570/- (Rupees Ten Lakh Sixty-Four Thousand Five Hundred Seventy only) in favour of the petitioner towards full and final settlement of the sanctioned dues. The said payment

has been made subsequent to the petitioner furnishing an undertaking vide Letter No.196(26) dated 07.04.2026, expressing consent to receive the aforesaid amount in full satisfaction of the claim."

3. Mr. Mohapatra, learned counsel for the Petitioner submits that this does not amount to full compliance as the Petitioner is further entitled to be considered for another promotion.

4. This Court is firstly, satisfied that the judgment has been complied with and secondly, if the Petitioner has any further grievance, it can be adjudicated not in the present contempt application but by seeking appropriate legal remedy.

4. The Contempt Petition is therefore, dropped.

(Sashikanta Mishra)

AKB ***Judge***

Signature Not Verified
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Signed by: ASHOK KUMAR BEHERA
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 10-Apr-2026 10:55:04