IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC No.6255 of 2026

CNR No.ODHC010652352026

Ghasiram Behera .... ***Petitioner***

Mr. Chitta Ranjan Pattnaik, Advocate

-versus-

Smt. Jayanti Barik (IAS) and others .... ***Opp. Parties/ Contemnors***

Mr. Kailash Chandra Kar, Government Advocate

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

ORDER
29.10.2026

Order No.

03.

1. The petitioner by way of filing this contempt petition prayed for grant of following relief(s):-

"Under such circumstance it is therefore prayed that your lordship would graciously pleased to admit this writ application call for records and after hearing the parties may be pleased to issue a rule NISI calling upon the Opp. Parties/contemnors to show cause as to why:

a) The order dated 10.07.2025 passed in W.A. No.441 of 2025 shall not be complied with.

b) For non-compliance of the said order, the Opp. Parties/contemnors shall not be punished U/s-12 of the Contempt's of Court's Act.

And if the opposite parties fail to show cause or show insufficient cause, with regard to non-compliance of court's order, the said rule may be made absolute against them.

And further may pass any other order/s, direction/s as this Hon'ble Court deems fit and proper.

And for this act of kindness, the petition as in duty bound shall ever pray."

1.1. From the above prayer(s) of the petitioner, it is perceived, as if said petition is "writ application", he seeks to allege non-compliance of judgment dated 10th July, 2025 passed in W.A. No.441 of 2025.

2. Learned counsel appearing for the petitioner submitted that after disposal of the writ appeal since there was non-compliance of judgment dated 10th July, 2025 passed therein, a contempt petition, being CONTC No.5072 of 2025, was filed, which came to be disposed of *vide* order dated 5th December, 2025 with the following observation:

> *"4. Having perused the copy of the Office Order dated 29.11.2025 issued by the Directorate of Treasuries and Inspection, Odisha, Bhubaneswar, copy of which is handed over to Mr. Chhittaranjan Pattnaik, learned Advocate appearing for the petitioner and considered the submissions advanced, this Court finds no deliberate and wilful attempt made by the contemnor in the process of complying with the directions contained in the judgment/order dated 10.07.2025 passed in W.A. No.441 of 2025.*
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> *5. In view of the above, the Contempt Petition is disposed of."*

2.1. As the authority failed to extend the service benefit, a writ application, being WP(C) No.23561 of 2026, was taken out craving for a direction to grant service benefits from the date of

suspension, *i.e.*, 14th November, 2003 till the date of reinstatement in service, *i.e.*, 3rd September, 2024.

2.2. Learned counsel expanded his argument by stating that by way of said writ petition the petitioner sought for a direction to grant "promotional benefits from the date of his eligibility with 18% interest" on the ground of delay in compliance of the order passed in the aforesaid writ petition. However, said writ petition stood disposed of *vide* order dated 30th July, 2026 by the learned Single Judge with the following order:

> *"1. This matter is taken up through Hybrid Arrangement (Virtual/ Physical) Mode.*
>
> *2. Heard learned counsel for the Parties.*
>
> *3. Considering the nature of order passed In W.A. No.441 of 2025 under Annexure-6 and further order passed in CONTC No.5072 of 2025 under Annexure-7, this Court is of the view that no further claim is entertainable. It is open for the Petitioner to file appropriate application if the order passed in the Writ Appeal has not yet been complied with before the appropriate Court.*
>
> *4. With the aforesaid liberty, the Writ Petition stands disposed of."*

2.3. It is submitted that since the authorities maintained the inscrutable face of the sphinx, this contempt petition has been filed for grant of relief as recorded above.

3. Learned Government Advocate while objecting to the new stand taken in the contempt application and pleading that the matter does not fall within the nuances of the Contempt of Courts Act, 1971, inviting imposition of penalty on any of the

authorities, as the allegation of non-compliance is unfounded. He furnished a copy of the letter bearing No.1785, dated 14th October, 2026, whereby the Treasury Officer, Dhenkanal addressing the learned Advocate General, Odisha, stated thus:

"In inviting a reference to the subject cited above, I am to submit the full & final compliance report on the order dated 10.07.2025 passed in WA No.441 of 2025 for favour of your kind perusal. In this regard I am to say that all the claim of Sri G. Behera, Ex-Jr. Asst. has been settled as well as his service has been regularized. Accordingly all the arrear dues as noted below have been credited to the SB A/C of Sri Behera. All transactions have been made in favour of Sri G Behera, Ex-Jr. Asst. having bank account No-11656456987 of SBI Boinda. The copy of the E-Disbursement query downloaded from IFMS is attached here with for favour of kind information.

Sl. No.	*Period of Payment*	*Bill No. / Date*	*Amount in Rs.*	*T.V. No./ Date*
1	*15.11.2003 to 31.12.2005*	*29/ 11.06.2026*	*68,956/-*	*205429/ 23.06.2026*
2	*01.06.2006 to 31.12.2015*	*76/ 05.10.2026*	*4,73,921/-*	*20541/ 06.10.2026*
3	*01.01.2016 to 31.05.2025*	*77/ 07.10.2026*	*49,74,083/-*	*20547/ 14.10.2026*

Further Sri Ghasiram Behera, Ex-Jr. Asst. has been requested to submit the relevant documents through online to this office for processing and onward transmission to proper quarter for sanction of final pension vide this office Letter No.1765, dated 09.10.2026.
This is for favour of kind information."

4. Having heard learned counsel for the respective parties and upon perusal of the written instruction imparted by the Treasury Officer, Dhenkanal, it emerges that *"all the claim of Sri G. Behera, Ex-Junior Assistant has been settled as well as his service has been regularised and all the arrear dues have been credited to the bank account of the petitioner".* The aforesaid

written instruction of the Treasury Officer, Dhenkanal further reveals that the petitioner has been requested to submit certain documents through online to his office for processing and onward transmission to proper quarter for sanction of final pension. This Court appreciates the submission of the learned Government Advocate that the petitioner is yet to comply with the terms of Letter No.1765, dated 09.10.2026 of the Treasury Officer so as to enable him to take steps for disbursal of the pension.

4.1. A bare perusal of contempt petition (paragraphs 7 and 8) would indicate that after disposal of the contempt petition being CONTC No.5072 of 2025, dated 05.12.2025, the petitioner being aggrieved by non-extension of his promotion and pension approached the learned Single Judge by way of filing W.P.(C) No.23561 of 2026, which came to be dismissed on 30.07.2026. Hence this contempt petition filed with a prayer for release of more pension, as the petitioner is given inadequate pension. As recorded above, the petitioner is yet to comply with the Letter dated 09.10.2026 of the Treasury Officer, the complaint by way of this contempt is not well-founded, hence this Court perceives proceeding with the contempt would not be appropriate.

4.2. In *Urban Infrastructure Real Estate Fund Vs. Dharmesh S. Jain, (2022) 3 SCR 1148* it has been observed as follows:

> *"13.1. We are mindful of the fact that contempt proceedings should not be of the nature of 'execution proceedings in disguise'. However, we hold that the case law cited supra would not come to the aid of the contemnor herein as the facts of the said case were significantly different from the case at hand. In the said case, no stay was operating on*

the decree of which contempt was alleged. Therefore, the decree-holder therein could very well initiate execution proceedings. However, in the instant case, the High Court, by order dated 08th August, 2019 stayed the Award subject to the deposit of an amount. The time period of such deposit has been extended by this Court on two occasions while continuing the order of stay by implication. Having taken the advantage of the extended time period, the respondent-contemnor cannot, at this juncture, take the plea that non-compliance with the condition of deposit would only render the Arbitrator's Award enforceable and that such failure to comply would have no consequences under the Contempt of Courts Act, 1971.

13.2 Further, it is trite law that the jurisdiction of a Court under the Act, would not cease, merely because the order or decree of which contempt is alleged, is executable under law, even without having recourse to contempt proceedings.

13.3 Contempt jurisdiction could be invoked in every case where the conduct of a contemnor is such as would interfere with the due course of justice; vide Rama Narang Vs. Ramesh Narang, (2006) 11 SCC 114. Contempt is a matter which is between the Court passing the order of which contempt is alleged and the contemnor; questions as to executability of such order is a question which concerns the parties inter-se. The power of the Court to invoke contempt jurisdiction, is not, in any way, altered by the rights of the parties inter-se vide Bank of Baroda Vs. Sadruddin Hasan Daya, (2004) 1 SCC 360."

4.3. In *Soorajmull Nagarmull Vs. Sri Brijesh Mehrotra, (2021) 9 SCR 725*, the Hon'ble Supreme Court of India held,

"8. In view of the order dated 10.02.2020 passed by this Court and the fresh notification dated 14.02.2020 and the award dated 12.11.2020, it cannot be said that respondents have violated the directions issued by this Court in the order dated 17.08.2015. Aggrieved by the order dated 17.08.2015, when the review petition was dismissed, curative petition was filed and the same is pending. With regard to submission of Dr. Singhvi, learned senior counsel, that the respondents have not granted the benefits as per Section 40 of the 2013 Act, it is to be noted that subsequent in the latest notification issued under Section 11 of the 2013 Act respondents have not invoked urgency clause at all. When the notification was issued under Section 11 of the 2013 Act, without invoking urgency clause, the question of extending the benefits as per Section 40 of the 2013 Act will not arise. In the judgment in the case of J.S. Parihar Vs. Ganpat Duggar & Ors., (1996) 6 SCC 291 = (1996) 6 Suppl. SCR 110, relied on by learned senior counsel Sri Ranjit Kumar, appearing for the respondents, it is observed by this Court that once there is an order passed by the Government on the basis of directions issued by this Court, there arises a fresh cause of action to seek redressal in an appropriate forum. Further in the judgment of the Court in the case of Delhi Development Authority Vs. Mahender Singh & Anr., (2009) 5 SCC 339 = (2009) 4 SCR 788 this Court has observed that the Land Acquisition Act is a complete code by itself and lays down detailed procedure for acquisition of land, payment of compensation and common law principles of justice, equity and good conscience cannot be extended contrary to provisions of the Statute. In the judgment in the case of R.N. Dey & Ors. Vs. Bhagyabati Pramanik & Ors., (2000) 4 SCC 400 = (2000) 3 SCR 172 this Court has held that a decree obtained under Land Acquisition Act, is an executable decree and no contempt can be maintained for non-compliance of such decree. In the

same judgment it is observed that weapon of contempt is not to be used in abundance or misused. It is further observed that discretion given to the court in dealing with the proceedings under Contempt of Courts Act is to be exercised for maintenance of court's dignity and majesty of law and further an aggrieved party has no right to insist that court should exercise such jurisdiction, inasmuch as contempt is between contemner and the court."

4.4. With the aforesaid delineated legal perspective, having glance at the factual details adumbrated in the contempt petition would suggest that this Court having been apprised of compliance of judgment/order dated 10.07.2025 passed in W.A. No.441 of 2025, dropped the contempt proceeding in CONTC No.5072 of 2025 by Order dated 05.12.2025. The said order being passed in presence of the counsel for the petitioner, in the considered view of this Court, for the self-same cause another contempt petition of present nature cannot be said to be maintainable. In this respect the following observations of the Hon'ble Supreme Court of India rendered in the case of *R.N. Dey Vs. Bhagyabati Pramanik, (2000) 3 SCR 172* may be referred to with benefit:

"The learned counsel for the respondents submitted that after issuance of notice for contempt proceedings initiated by the respondents, the Court has only issued Rule and the matter is not finally decided, therefore, the appeal against such order is not maintainable. It is submitted by the learned counsel for the appellants that respondents want to take undue advantage of pending contempt proceedings and coerce the officers of the State in making payment on the basis of the award even though they are not entitled to recover the same as the property had already vested in the State and that the appellants were required to pay in all approximately Rs.50 lakhs to the claimants.

In our view the aforesaid contention of the learned counsel for the respondents requires to be rejected on the ground that after receipt of the notice, concerned officers tendered unconditional apology and after accepting the same, the High Court rejected the prayer for discharge of the Rule issued for contempt action. When the Court either suo moto or on a motion or a reference, decides to take action and initiate proceedings for contempt, it assumes jurisdiction to punish for contempt. ***The exercise of jurisdiction to punish for contempt commences with the initiation of a proceeding for contempt and if the order is passed not discharging the Rule issued in contempt proceedings, it would be an order or decision in exercise of its jurisdiction to punish for contempt. Against such order, appeal would be maintainable.***

For the aforesaid purpose, reference can be made to the decision in P.D. Goel Vs. B.S. Dhillon and Others, (1978) 2 SCC 370 wherein the Court observed that:

'If the alleged contemnor in response to the notice appears before the High Court and asks it to drop the proceeding on the ground of its being barred under Section 20 of the Act but the High Court holds that the proceeding is not barred, it may well be that an appeal would lie to this Court under Section 19 from such an order although the proceeding has remained pending in the High Court.'

The Court further observed that if the order decides some disputes raised before the Court by the contemnor asking it to drop the proceedings on one ground or the other, the appeal against the said order is maintainable.

In the present proceedings the question whether appeal under Section 19 is maintainable or not is not required to be decided finally as, in our view, facts of this case are grossly inadequate and the contempt proceedings were not required to be initiated at all. In any case, the unconditional apology tendered could have been accepted and further proceedings dropped and Rule ought to have been discharged."

4.5. It is apposite to have regard to *Harish Kumar Kathuria Vs. Sanjay Gupta, 2024 SCC OnLine Del 817* wherein the following observations are noticed:

> *"8. Having noted the submissions made by the learned counsel for the parties, we are afraid that the submissions made by Mr. Grover are unmerited in view of the settled position of law pertaining to scope of appeal under Section 19 of the Act of 1971, as laid down by the Supreme Court in various judgments, including the judgment passed by the bench of Three Hon'ble Judges in the case of D.N. Taneja Vs. Bhajan Lal, (1988) 3 SCC 26, wherein, the Lordships have elucidated the settled position of law qua scope of appeal in clear terms under Section 19 of the Act of 1971, in paragraph 8, which is reproduced as under:*
>
> > *'8. The right of appeal will be available under sub-section (1) of Section 19 only against any decision or order of a High Court passed in the exercise of its jurisdiction to punish for contempt. In this connection, it is pertinent to refer to the provision of Article 215 of the Constitution which provides that every High Court shall be a court of record and shall have all the powers of such a court including the power to punish for contempt of itself. Article 215 confers on the High Court the power to punish for contempt of itself. In other words, the High Court derives its jurisdiction to punish for contempt from Article 215 of the Constitution. As has been noticed earlier, an appeal will lie under Section 19(1) of the Act only when the High Court makes an order or decision in exercise of its jurisdiction to punish for contempt. It is submitted on behalf of the respondent and, in our opinion rightly, that the High Court exercises its jurisdiction or power as*

conferred on it by Article 215 of the Constitution when it imposes a punishment for contempt. When the High Court does not impose any punishment on the alleged contemnor, the High Court does not exercise its jurisdiction or power to punish for contempt. The jurisdiction of the High Court is to punish. When no punishment is imposed by the High Court, it is difficult to say that the High Court has exercised its jurisdiction or power as conferred on it by Article 215 of the Constitution.'

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10. In this regard, it is pertinent to reproduce paragraph 11 of the judgment passed by the Supreme Court in the case of Midnapore Peoples' Coop. Bank Ltd. Vs. Chunilal Nanda, (2006) 5 SCC 399, wherein, in clear terms, it has been held by the Supreme Court after considering the authoritative pronouncement in D.N. Taneja Vs. Bhajan Lal (1988) 3 SCC 26 as well as other judgments of the Supreme Court, that an appeal under Section 19 of the Act of 1971, is maintainable only against an order or decision of the High Court passed in exercise of its jurisdiction to punish for contempt, that is, 'an order imposing punishment for contempt'. The paragraph 11 of the said judgment summarizing the scope of appeal under Section 19 of the Act of 1971, is reproduced as under:

> *'11. The position emerging from these decisions, in regard to appeals against orders in contempt proceedings may be summarised thus:*
>
> > *I. An appeal under Section 19 is maintainable only against an order or decision of the High Court passed in exercise of its jurisdiction to punish for contempt, that is, an order imposing punishment for contempt.*

II. *Neither an order declining to initiate proceedings for contempt, nor an order initiating proceedings for contempt nor an order dropping the proceedings for contempt nor an order acquitting or exonerating the contemnor, is appealable under Section 19 of the CC Act. In special circumstances, they may be open to challenge under Article 136 of the Constitution.*

III. *In a proceeding for contempt, the High Court can decide whether any contempt of court has been committed, and if so, what should be the punishment and matters incidental thereto. In such a proceeding, it is not appropriate to adjudicate or decide any issue relating to the merits of the dispute between the parties.*

IV. *Any direction issued or decision made by the High Court on the merits of a dispute between the parties, will not be in the exercise of "jurisdiction to punish for contempt" and, therefore, not appealable under Section 19 of the CC Act. The only exception is where such direction or decision is incidental to or inextricably connected with the order punishing for contempt, in which event the appeal under Section 19 of the Act, can also encompass the incidental or inextricably connected directions.*

V. *If the High Court, for whatsoever reason, decides an issue or makes any direction, relating to the merits of the dispute between the parties, in a contempt proceedings, the aggrieved person is not without remedy.*

Such an order is open to challenge in an intra-court appeal (if the order was of a learned Single Judge and there is a provision for an intra-court appeal), or by seeking special leave to appeal under Article 136 of the Constitution of India (in other cases).

The first point is answered accordingly.

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15. *We may state here that one of the pleas raised on behalf of the appellant before the Supreme Court was that an appeal under Section 19(1) of the Act of 1971 is not maintainable against an ad interim order of injunction. The Supreme Court noted its judgments in the cases of Purshotam Dass Goel Vs. Hon'ble Mr. B.S. Dhillon, (1978) 2 SCC 370 and R.N. Dey Vs. Bhagyabati Pramanik, (2000) 4 SCC 400. A reference was also made on behalf of the appellant to the case D.N. Taneja Vs. Bhajan Lal, (1988) 3 SCC 26. The Supreme Court also noted the judgment of the Division Bench of the Calcutta High Court in Ashoke Kumar Rai Vs. Ashoke Arora, 96 CWN 278. It also referred to the judgment of the Calcutta High Court in Ashis Chakraborty Vs. Hindusthan Lever Sramik Karmachari Congress, 1991 SCC OnLine Cal 296. In paragraph 44, the Supreme Court has also noticed the judgment in the case of Midnapore Peoples' Coop. Bank Ltd. Vs. Chunilal Nanda, (2006) 5 SCC 399. What is important is, in paragraphs, 46 and 47, the Supreme Court has held as under:*

> *'46. We will, however, proceed on the assumption that no appeal was maintainable. An aggrieved person cannot be left without a remedy. Access to justice is a human right. In certain situations it may also be considered to be a fundamental right. (See Tashi Delek Gaming Solutions Ltd. Vs. State of*

Karnataka, (2006) 1 SCC 442 and Arunima Baruah Vs. Union of India, (2007) 6 SCC 120).

47. Concededly this Court has the jurisdiction to entertain a special leave petition. When the entire matter is before us this Court in exercise of its jurisdiction under Article 136 read with Article 142 of the Constitution of India may pass such orders which would do complete justice to the parties. (See T. Vijendradas Vs. M. Subramanian, (2007) 8 SCC 751).'

16. So, it follows that the Supreme Court had considered the appeal in exercise of its jurisdiction under Article 136 read with Article 142 of the Constitution of India and as such, decided the same, by stating in paragraph 50, as under:

'50. This Court while deciding a matter of this nature may, in exercise of its special jurisdiction under Article 142 of the Constitution of India, not only quash the order appealed against but also in the event it is found that quashing of an illegal order gives rise to another illegality, it may also refuse to exercise its jurisdiction or quash both the orders. Apart from the fact that the order passed by the learned Single Judge dated 20.06.2008 is found to be illegal and without jurisdiction having been passed without any application of mind and furthermore as the same was obtained by the appellant by suppressing material facts and the proceedings between the parties, it is eminently a fit case where this Court should refuse to interfere with the impugned order of the High Court.'

17. From the aforesaid, it is clear that the Supreme Court has observed that technically an appeal under Section 19(1) of the Act of 1971 is not maintainable and then proceeded in exercise of its jurisdiction under Article 136

read with Article 142 of the Constitution of India to decide the appeal in the manner it did, which we have already reproduced above and as such, this judgment shall also not help the case of Mr. Grover."

4.6. By order dated 30.07.2026 the learned Single Judge while disposing of W.P.(C) No.23561 of 2026 filed at the behest of the petitioner, granted liberty to the petitioner as follows:

> *"3. *** It is open for the petitioner to file appropriate application if the order passed in the Writ Appeal has not yet been complied with before the appropriate Court.*
>
> *4. With the aforesaid liberty, the Writ Petition stands disposed of."*

4.7. The petitioner misconstrued such liberty granted by the learned Single Judge and filed the present contempt petition. In this context it would suffice to refer to view expressed by the Hon'ble Supreme Court of India in *Bharat Sanchar Nigam Ltd. Vs. Telephone Cables Ltd., (2010) 5 SCC 213 = (2010) 3 SCR 291* to refuse initiation of contempt proceeding at this juncture as sought for by the petitioner. The observation made in the reported case is as follows:

> *"Instances abound where observations of the court reserving liberty to a litigant to further litigate have been misused by litigants to pursue remedies which were wholly barred by time or to revive stale claims or create rights or remedies where there were none. It is needless to say that courts should take care to ensure that reservation of liberty is made only where it is necessary, such reservation should always be subject to a remedy being available in law, and subject to remedy being sought in accordance with law."*

4.8. Once compliance is secured, the punitive arm of the court's contempt jurisdiction ordinarily yields. [See, *Reena Kumari Vs. Praveer Kumar, 2026 SCC OnLine SC 1181*]. Thus the present contempt petition is not maintainable inasmuch as the contempt proceeding being dropped on earlier occasion in consideration of allegation of non-compliance of judgment/order dated 10th July, 2025 rendered in WA No.441 of 2025.

5. In view of aforesaid position, this Court does not find any case being made out by the petitioner to proceed against the authority concerned in this contempt petition. Hence, the contempt proceeding sought to be initiated by the petitioner is hereby rejected and dropped and, accordingly, the contempt petition stands disposed of.

(Harish Tandon)
Chief Justice

(M.S. Raman)
Judge

Laxmikant

Signature Not Verified
Digitally Signed
Signed by: LAXMIKANT MOHAPATRA
Designation: Senior Stenographer
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 30-Oct-2026 16:15:14