



IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC No.440 of 2026

Debasish Nayak

....

Petitioner

Mr. Debidutta Mohapatra, Advocate

-Versus-

***Manoj Kumar Pattnaik, Under
Secretary-cum-Deputy Secretary (in-
Charge) to Government, Food Supplied
and Consumer Welfare Department,
Govt. of Odisha, BBSR***

....

Opp. Party

Mr. Saroj Kumar Jee, AGA

CORAM:

JUSTICE KRISHNA SHRIPAD DIXIT

JUSTICE CHITTARANJAN DASH

ORDER

23.03.2026

Order No.

03.

In complainant's W.P.(C) No.31694 of 2024, a Coordinate Bench of this Court had entered the judgment dated 18.12.2024, the operative portion of which reads as under:

“6. Considering the submissions made by the learned counsel for the respective parties, without expressing any opinion on the merits of the case, we dispose of the Writ Petition directing the Deputy Secretary to Government, Food Supplies and Consumer Welfare Department, Government of Odisha, Bhubaneswar to take a decision on the representation filed by the Petitioner vide Annexure-5 and pass appropriate order in accordance with law within a period of three months from the date of production of a certified copy of this order. The order shall be communicated to the Petitioner by the Deputy Secretary, Food Supplies and Consumer Welfare Department, Government of Odisha, Bhubaneswar within two weeks of taking the decision.”



There was some rectification sought for at the hands of the Bench and that was accordingly granted on 15.01.2025. Copy of the order was presented to the authority who had processed the decision on the subject representation on 24.01.2025. Nothing having been done within the time stipulated by the Coordinate Bench, this complaint of contempt of the court has been presented.

2. After service of notice, the contemnor having entered appearance through the learned AGA, has filed the compliance affidavit dated 20.03.2026 telling the Court that the subject representation has been considered to the effect that some new decision is being awaited at the hands of the Government, in view of certain judgments of the Apex Court coming in the meanwhile. This decision, learned AGA submits, is taken to avoid repetitive amendments to the extant rules.

3. Having heard learned parties and having perused the complaint papers along with the compliance affidavit, we are dropping the subject contempt proceeding with cost for the following reasons:

3.1. The Coordinate Bench had disposed off the subject Writ Petition of the complainant on 18.04.2024. Rectification of the order was granted on 15.01.2025. The order copy was submitted to the jurisdictional authority for taking decision on 24.01.2025. No decision was taken despite long lapse of time. A decision is now taken on 19.02.2026 offering irrelevant explanation as the



justification for the delay. In the compliance affidavit, the following paragraphs read as under:

“7. That, the deponent has neither disobeyed the order nor he has any intention to flout the order/direction of the Hon’ble Court. He has the highest regard to the orders passed by the Hon’ble Court and always keeps the lordship of the Hon’ble Court in high esteem. The humble deponent begs unconditional apology for delay caused.

8. That in view of the facts stated and submission made in the foregoing paragraphs it is humbly submitted that this Hon’ble Court may graciously be pleased to accept the compliance affidavit and the contempt proceeding may kindly be dropped for which the deponent shall remain obliged.”

3.2. This is a case of criminal brooking of delay by the Contemnor who has taken the decision belatedly on 19.02.2026 and a copy thereof is served on the Complainant on 23.02.2026. The conduct of the Contemnor is contumacious to say the least. It exhibits scant respect for the orders of the Constitutional Court, if no respect at all. That cannot go unscathed at our hands. Such an attitude has to be curbed by iron hands, making the Contemnor to pay heavily from his pocket.

In the above circumstances, although the contempt proceedings are dropped, the Contemnor shall pay a sum of Rs.1,00,000/- (Rupees One Lakh) only to the Complainant from his pocket for the criminal delay brooked in the matter within four weeks, failing which additional sum of Rs.500/- (Rupees Five Hundred) shall be payable per day’s delay for the first month and ₹1000/- (Rupees One Thousand) for the days next following.

It is open to the complainant to lay a challenge to the compliance order in question dated 19.02.2026 elsewhere in



accordance with law. In that connection, all contentions are kept open.

Web copy of order to be acted upon by all concerned.

(Krishna Shripad Dixit)
Judge

(Chittaranjan Dash)
Judge

AKPradhan/Priyanka