



IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC No.946 of 2024

Biswanath Beura **Petitioner**

*Mr. S.K. Dalai, Proxy Counsel
on behalf of Ms. J. Bhuyan, Advocate*

-versus-

Sushil Kumar Lohani, **Opposite Parties/
I.A.S and another** **Contemnors**

*Mr. Bibekananda Nayak,
Additional Government Advocate*

CORAM: JUSTICE SANJAY KUMAR MISHRA

ORDER

12.03.2026

Order No.

11.

This matter is taken up through hybrid mode.

2. The present contempt proceeding has been initiated for alleged flouting of judgment dated 11.09.2023 passed in W.P.(C) No.12881 of 2020. The Operative portion of the said judgment, being relevant, is reproduced below:

“16. It has been admitted in the Counter Affidavit that the benefits like GPF, GIS and Unutilized Leave Salary etc. have been released in favour of the Petitioner, which is not disputed by the learned Counsel for the Petitioner. Since the Petitioner at present is being paid provisional pension, the authority concerned are directed to do the needful to calculate and regularize the pension of the Petitioner and pay him full pension. Apart from the same, after adjusting the provisional pension already paid to the Petitioner, the differential arrear pension till the date of payment of regular pension be released in favour of the Petitioner within a period of three months hence with 7% interest. So far as the unpaid gratuity of the Petitioner, the same be paid within the said period of three months with 10% interest from the date it became due till the date of actual payment.”

(Emphasis supplied)



3. On 12.09.2025, a Compliance Affidavit has been filed by the Opposite Party/alleged Contemnor No.1, namely, Sri Girish S.N., Commissioner-cum-Secretary to Govt. of Odisha, Panchayati Raj & Drinking Water Department.

4. Since an Objection was filed by the Petitioner disputing the said Compliance Affidavit, the alleged Contemnor has also filed his Reply in response to the said Objection filed by the Petitioner. Paragraph Nos.5 & 6 of the said Reply Affidavit filed by the alleged Contemnor, being relevant, are reproduced below:

5. *That, Sub rule-5(a) of Rule-49 of OCS(P) Rules, 1992 states that : Where the sanction of payment of gratuity is delayed for more than a year from the date it is due under sub-rule (1) or (2) as the case may be, and such delay is attributable to administrative lapses, interest at the rate of 7 percent per annum for the period beyond one year shall be payable on the amount of gratuity.*

Provided that where a departmental or Judicial proceedings as the case may be, in respect of pensioner, is continued or initiated under Rule-7, the gratuity shall become payable on the date finalisation of such proceedings and the period of one year shall be reckoned from the date.

In the present case, the departmental proceeding has been drawn against the petitioner Sri Beura, retired ABDO, Niali Block vide this Department Memorandum No.15328/PR. dated 29.07.2011 u/r-15 of OCS (CC&A) Rules, 1962 r/w Rule-7 of OCS(P) Rules, 1992 for commission of gross irregularities. The DO Shri Beura having malafide intention allocated 08 nos. of Mo Kudia to the ineligible people causing loss of Government money worth of Rs.45,000/- x 8 = Rs.3,60,000/-.

In another case a departmental proceeding has also been drawn against Sri Beura, ex-PA, Baranga Block vide this Department Show cause Notice No.13144/PR, dtd. 17.11.2004 under Rule- 16 of OCS(CC&A) Rules, 1962 for commission of gross irregularities. Thus, he has been charged with gross negligence & dereliction in duties, gross misconduct and misappropriation of Rs.5,000/- of Government money.

Hence, total loss to the Government in above 02 DP cases is = Rs.3,60,000.00 + Rs.5,000.00 = Rs.3,65,000.00.

The Hon'ble Court vide order dtd.11.09.2023 in WP(C) No. 12881/2020 has set aside the Order No.7076/PR, dtd.25.04.2016 of the Commissioner-Cum-Secretary to Government, PR Department in order to



dispose of the order of the Hon'ble OAT, Bhubaneswar in OA No.3287/2015 filed by Biswanath Beura, where the prayer of the petitioner was for release of his pensionary benefits in his favour which has been rejected due to pending of two no's of proceeding against him. The Hon'ble Court has not set aside the proceeding case in the order dtd.11.09.2023.

Accordingly, as per the order dtd. 11.09.2023 of the Hon'ble Court, the Order No.7076/PR, dtd.25.04.2016 of the Commissioner-cum-Secretary to Government, PR Department has set aside but the Hon'ble Court has not set aside the proceedings drawn against the petitioner.

Accordingly, as per the order of the Hon'ble Court, the interest amount for the period from 11.09.2023 to 05.05.2025 of Rs.50.925/- @10% has already been paid to the petitioner.

6. That, the AG (A&E), Odisha, Bhubaneswar has already released the amount of gratuity i.e. Rs.3,05,550/- vide GPO Order dtd.05.05.2025 from the date of due i.e. from 01.01.2011.

(Emphasis supplied)

5. As is revealed from the said Reply Affidavit filed by the alleged Contemnor, though it has been admitted in paragraph-6 of the said Reply Affidavit that the gratuity became due with effect from 01.01.2011 and accordingly, it was calculated and paid vide GPO Order dated 05.05.2025 to the tune of Rs.3,05,550/-, but a contradictory stand has been taken in paragraph-5 of the said reply. As it seems from such Response/Reply, on the plea of pendency of departmental proceeding, which has attained finality, as detailed in the judgment passed in W.P.(C) No.12881 of 2020, so also the writ petition, instead of paying the interest in terms of the said direction in W.P.(C) No.12881 of 2020 with effect from 01.01.2011, interest @10 % has been paid from the date of judgment passed in W.P.(C) No.12881 of 2020, i.e., 11.09.2023, till the date of payment ,i.e., 05.05.2025 .

6. Learned Counsel for the State, who represents the alleged Contemnor, admits that no petition has been filed for reviewing the judgment passed by this Court regarding the rate of interest



awarded by this Court on unpaid gratuity. Rather, the State has acted in terms of the judgment passed by this Court.

7. Since there is an admission in paragraph-6 of the Reply Affidavit that gratuity became due with effect from 01.01.2011 and has been paid accordingly in the meantime, the Opposite Party No.1/alleged Contemnor is directed to act in terms of the direction given vide the judgment dated 11.09.2023 passed in W.P.(C) No.12881 of 2020, and file further compliance Affidavit within two weeks hence failing which, he shall appear before this Court in person on the adjourned date to explain as to why action shall not be taken against him under the Contempt of Courts Act, 1971 for partial willful flouting of the direction given by this Court in W.P.(C) No.12881 of 2020.

8. The matter be listed on 9th April, 2026.

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(S.K. MISHRA)
JUDGE