



IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC No.1678 of 2021

Panchanan Rout

....

Petitioner

Ms. S. Mohapatra, Advocate

-versus-

Surendra Kumar, IAS & others

Opposite Parties/Contemnors

Mr. P. P. Behera, ASC

CORAM: JUSTICE SANJAY KUMAR MISHRA

ORDER

22.12.2025

Order No.

15.

This matter is taken up through hybrid mode.

2. Heard learned Counsel for the Petitioner so also learned State Counsel, who represents the alleged Contemnors.

3. The present contempt petition has been preferred for willful flouting of the order dated 05.11.2019 passed in W.P.(C) No.20548 of 2019. The said order, being relevant, is extracted below for ready reference:-

“Heard Miss. S. Mohapatra, learned counsel for the petitioner and Miss S. Mishra, learned Additional Standing Counsel for the State-opposite parties.

This Writ Petition involves the following prayer:

“(i) direct/order the State Opp. Parties to **sanction pension and pensionary benefits to the petitioner in terms of order dated 20.12.2018 passed in W.P(C) No.13852 of 2005 within a stipulated period** as may be



prescribed by this Hon'ble Court;
(ii) pass such other order(s) or issue direction(s) as may be deemed fit and proper in the bona fide interest of justice.”

(Emphasis supplied)

A claim is made for applying the parity of the order passed in WP(C) No.13852 of 2005 on 20.12.2018 to the case at hand. In such view of the matter, this Writ Petition stands disposed of with a direction to **the Principal Secretary to Government of Odisha, Finance Department-opposite party no.2 to consider the grievance of the petitioner in this writ petition treating the same as a representation at the instance of the petitioner and take a lawful decision thereon taking into account the order dated 20.12.2018 passed in W.P.(C) No.13852 of 2005, within a period of two months from the date of communication of a certified copy of this order** along with a copy of this Writ Petition by the petitioner, but however giving opportunity of hearing to the petitioner.

Issue urgent certified copy as per rules.”

(Emphasis supplied)

4. Taking into consideration the submissions made by the learned counsel for the parties, this Court passed an order on 16.12.2022 granting three weeks' time as last chance to the Contemnor to comply with the aforesaid order, failing which it was ordered that the Principal Secretary, Finance Department, Bhubaneswar, shall appear in person on the date fixed. Paragraphs 3 to 5 of the said order dated 16.12.2022, being relevant, are extracted below:

“3. It is submitted by learned counsel for the petitioner that the order dated 05.11.2019 in W.P.(C) No.20548 of 2019 and CONTC No.518 of 2020 dated 13.10.2020 passed by this Court to



implement the order passed by this Court. It is further submitted by learned counsel for the petitioner that the above noted writ petition has been confirmed by the Hon'ble Supreme Court by dismissing the SLP No.7121 of 2020 vide order dated 09.09.2021, which was challenged by the State Government. As such, the order passed by this has attained finality.

4. In such view of the matter, learned counsel for the petitioner submits that the contemnor is deliberately and wilfully violating this Court's order. Earlier learned counsel for the State took time on several occasions to obtain instruction in the matter. Despite earlier orders, no instruction has been obtained by the learned counsel for the State and the order passed by this Court has not yet been implemented. In my considered view, such conduct of the contemnor is contemptuous.

5. **As a last chance, three weeks' time is granted to the contemnor to comply with the order passed by this Court failing which Principal Secretary, Finance Department, Bhubaneswar shall appear in person in Court at 10.30 A.M, on 27.01.2023 and explain as to why he shall not be proceeded the violation of the order 05.11.2019 in W.P.(C) No.20548 of 2019, which has also been upheld by the Hon'ble Supreme Court."**

(Emphasis supplied)

5. Pursuant to the said order, a show-cause affidavit was filed by the Opposite Party No.2, the then Principal Secretary to Govt. of Odisha Finance Department, enclosing thereto the so-called speaking order dated 30.04.2021, allegedly passed in terms of the direction given vide order dated 05.11.2019 passed in W.P.(C) No.20548 of 2019. The said order was allegedly never communicated to the present



Petitioner. Relevant paragraph of the said compliance order, wherein there is an admission that the case of the Petitioner is identical to the case in W.P.(C) No.13852 of 2005 (***Nityananda Panigrahi vrs. State of Odisha and Others***), being relevant, is extracted below:

“And whereas, **in an identical case, the order dated 20.12.2018 of the Hon’ble High Court of Orissa passed in W.P.(C) NO.13852 of 2005 (Nityananda Panigrahi vrs. State of Odisha and Others)** has been challenged before the Hon’ble Apex Court and the same is still sub-judice.”

(Emphasis supplied)

6. Pursuant to such compliance affidavit, the Petitioner has filed an affidavit on 24th December, 2021, enclosing thereto the order dated 09.09.2021 passed in SLP(C) No.7121 of 2020, vide which the said SLP stood dismissed.

7. That apart, learned Counsel for the Petitioner files a photocopy of the Office Order dated 25.11.2022 passed by the Chief Engineer and Basin Manager, Brahmani Basin, Samal, which is pertaining to Nityananda Panigrahi, who was the Petitioner in W.P.(C) No.13852 of 2005. It is revealed from the said order that, after dismissal of SLP(C) No.7121 of 2020 preferred by the State of Odisha against the Judgment passed in W.P.(C) No.13852 of 2005, vide the said Order dated 25.11.2022, the services of Late Nityananda Panigrahi, Ex-Contingent Khalasi were regularized in the post of Contingent Khalasi under the



regular establishment.

8. As is further revealed from Annexure-6, i.e., communication dated 15.12.2022 made by the Deputy Secretary to Government, Government of Odisha Finance Department addressed to the Additional Secretary to Government, Water Resources Department, which has been appended to the Reply Affidavit filed by the Petitioner in response to the Show-Cause Affidavit filed by the Opposite Party-Contemnor, the representation of the Petitioner dated 08.12.2022 was forwarded to the Additional Secretary to Government, Water Resources Department to take immediate action under intimation to the said Department.

9. This Court is unable to understand, when the Principal Secretary to Govt. of Odisha Finance Department allegedly rejected the representation of the Petitioner vide order dated 30.04.2021 on the plea of pendency of SLP(C) No.7121 of 2020, why a further communication was made by the Deputy Secretary to Government, Government of Odisha Finance Department to the Additional Secretary to Government, Water Resources Department to consider the representation of the Petitioner dated 08.12.2022.

10. However, as quoted above, it has been admitted in the communication dated 30.04.2021, allegedly made to the Petitioner that the case of the Petitioner is identical to the case of the writ petitioner in W.P.(C) No.13852 of 2005. Since a plea of pendency of SLP(C)



No.7121 of 2020 was taken vide the said communication, which was ultimately dismissed on 09.09.2021, this Court is of the view that the Authority concerned ought to have acted immediately thereafter in terms of order dated 5.11.2019 passed in WP(C) No.20548 of 2019.

11. At this stage, Mr. Behera, learned ASC submits, as per the latest instruction received, the Petitioner, on attaining the age of superannuation, has already been granted certain financial benefits, such as provisional gratuity for nine years, unutilized leave salary for 67 (sixty Seven) days, 60% pay fixation arrears, one-time refund GIS and PRAN (NPS) from the District Treasury Officer, Jajpur. However, Mr. Behera prays for some more time to file full compliance affidavit.

12. Accordingly, in view of the discussions made above, the present Principal Secretary, Finance Department is directed to immediately act in terms of the direction given vide order dated 20.12.2018 in WP(C) No.13852 of 2005 within six weeks hence and file compliance affidavit.

13. It is made clear that if the compliance affidavit is not filed within the extended period, the Principal Secretary, Finance Department shall remain physically present before this Court on the adjourned date, at 10.30 A.M., to explain as to why appropriate proceeding shall not be initiated against him under the Contempt of Courts' Act for willful flouting of the orders of this Court, as detailed above.



14. The matter be listed on 9th February, 2026.

15. The learned State Counsel is permitted to utilize digitally signed copy of this order available on the website of this Court, for the purpose of communication so also to ensure compliance of the directions given earlier so also in terms of the present order.

Mona

(S.K. MISHRA)
JUDGE