



IN THE HIGH COURT OF ORISSA AT CUTTACK
CONTC No.3747 of 2025

Nabakishore Nayak and others ***Petitioners***
Mr. H.N.Mohapatra, Advocate

-versus-

Smt.Usha Padhee, IAS and others ***Opposite Parties***
Mr. Sanjay Rath, Addl. Government Advocate

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

ORDER
05.12.2025

Order No.

04. 1. This Court *vide* judgment dated 24.03.2025 rendered in W.P.(C) No.20715 of 2011 directed in paragraph 11 as follows:

“11. For the reasons stated on the facts narrated herein above and keeping abreast of legal position as propounded by the Courts referred to and relied on supra, this Court is inclined to exercise power under Article 226 to issue writ of certiorari by quashing the instruction contained in Housing and Urban Development Department Letter No.14449/MIS-41/2011/HUD, dated 13.06.2011 (Annexure-13), and also the Puri Municipality Office Order dated 13.05.2011 (Annexure-14) and the Puri Municipality Office Order dated 13.06.2011 (Annexure-15) for non-assigning reason.

11.1. This Court also makes the observation that such instruction of the Government and orders of Puri Municipality based on such instruction run counter to the settled legal position as discussed in the foregoing paragraphs.

11.2. As a consequence thereof, the Order No.3171, dated 11.05.2011 (Annexure-11) read with Corrigendum dated 13.05.2011 (Annexure-12) regularising the services of the petitioners is liable to



be given effect to.

11.3. The opposite parties are liable to be issued with writ of mandamus and accordingly, the opposite parties are directed to work out the entitlement of the petitioners within a period of three months from today and grant all consequential service and financial benefits to the petitioners.”

2. It is submitted by Mr. H.N. Mohapatra, learned Advocate appearing for the petitioner that the direction of this Court has not yet been complied with.

3. Mr. Sanjay Rath, learned Additional Government Advocate seeks further accommodation to obtain instruction. Mr. Mohapatra, learned Advocate for the petitioner vehemently opposes such a prayer.

4. Perusal of the record reveals that on 22.08.2025, 19.09.2025 and 14.11.2025, the matter stood adjourned at the behest of the Additional Government Advocate and it transpired that the Writ Appeal, being W.A.No.1073 of 2025, has been filed challenging the aforesaid judgment. However, it is stated that the matter is yet to be taken up for consideration, and no order has been passed in the said Writ Appeal. It is trite that mere filing of the Writ Appeal is not a ground for not to comply with the orders/direction (s) of this Court.

5. Issue notice to the opposite parties/contemnors as to why appropriate proceeding(s) under the Contempt of Courts Act, 1971 shall not be initiated against them for violation of the Court's judgment/order dated 24.03.2025 passed in W.P.(C) No.20715 of 2011, requisites for which shall be filed by 08.12.2025. The notice shall be made returnable before the next date.



6. List this matter on 19.12.2025.

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(M.S. Raman)
Judge