



IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC No.4708 of 2025

Bijayalaxmi Baral **Petitioner**
Mr. A.K. Nanda, Advocate
-Versus-

Vineet Bharadwaj, I.A.S. **Opposite**
Party/Contemnor
Mr. S.K. Swain, Senior Advocate

CORAM:

MR. JUSTICE R.K. PATTANAİK

ORDER

08.05.2026

Order No.

09.

1. Heard learned counsel for the respective parties.
2. Instant contempt petition is filed by the petitioner for non-compliance of the Court's order at Annexure-1 by the opposite party/contemnor.
3. This Court while disposing of W.P.(C) No. 16166 of 2025 directed the State Government to reconsider the suspension of the petitioner and to pass necessary order and in case, the decision is not found to be adverse, to allow her to resume duty as Sarpanch of the concerned GP. Since the above order was not complied with, hence, the contempt petition.
4. In response to the direction of this Court the compliance affidavit is filed and the same is at flag-E.
5. Mr. Nanda, learned counsel for the petitioner would submit that the decision of the opposite party/contemnor vide Annexure-E to the compliance affidavit is unacceptable for the



reason that a Committee was found to enquire in to the allegations, an exercise which could not have been undertaken. The submission is that the materials as on the date of suspension were to be taken cognizance of while reconsidering the decision on suspension of the petitioner. The contention of Mr. Nanda, learned counsel is that declining to revoke the order of suspension with a decision as per Annexure-E cannot be justified as such there is no compliance of the order in terms of the directions issued in W.P.(C) No. 16166 of 2025.

6. On the contrary, Mr. Swain, learned Senior Advocate appearing for the opposite party/contemnor would submit that consequent upon the Court's order, an enquiry was held. It is submitted that a joint enquiry was conducted and the report of such enquiry revealed misappropriation by the petitioner and also the PEO of the concerned GP, hence, therefore, it was followed by the order dated 11th December, 2025 of the opposite party/contemnor vide Annexure-E. The submission is that the relevant records having been seized by the Vigilance Department, physical inspection was carried out by the joint inspection team to verify the claim and the allegations regarding misappropriation. It is submitted that the records have been seized in connection with Vigilance P.S. Case No. 4 of 2025. It is also contended that the petitioner and the PEO were arrested in connection therewith. The contention is that since the allegation of misappropriation was made and it was followed by the order of suspension and even confirmed by a physical inspection held by a joint enquiry carried out by the



DPO and the team and the decision as per Annexure-E is perfectly justified. In response to the above, Mr. Nanda, learned counsel for the petitioner would submit that the petitioner was granted anticipatory bail vide ABLAPL No.2444 of 2025 dated 8th April, 2025 and was not arrested. It is reiterated that no such joint enquiry could have been directed by the opposite party/contemnor while complying the order of this Court as at Annexure-1.

7. Gone through the joint enquiry report i.e. Annexure-D. From the said report, the Court finds that spot inspection was held as all the relevant records had been seized by the DSP (Vigilance), Nuapada in connection with Vigilance P.S. Case No. 4 of 2025. The details of the enquiry and findings of the physical inspection in respect of the projects and the alleged misappropriation are mentioned in the joint enquiry report. It is submitted that prima facie considering the report of such enquiry, the allegation of misappropriation is established and therefore, the action and the decision declining to revoke the suspension vide Annexure-E is just and proper. But on a bare perusal of the report, the Court finds that the relevant records have not been examined as it was with the Vigilance Department having been seized instead the decision vide Annexure-E is entirely based on report of physical inspection, which according to the Court is no compliance at all. The Court is also of the view that in absence of the records with opposite party/contemnor direction could have been obtained to collect it for the purpose of holding the enquiry instead of any such spot



visit by a team. The Court is, therefore, not inclined to accept the compliance affidavit for the manner in which the enquiry has been held with a conclusion that such enquiry is needed to be freshly conducted with examination of the relevant records. Considering the submission of Mr. Swain, learned counsel for the opposite party/contemnor, the Court is inclined to allow at least ten days' time for such enquiry with a rider that if it is concluded within such time, the order of suspension shall be revoked. Such is the view of the Court for the reason that suspension of the petitioner cannot be allowed to stand on the basis of spot visit/enquiry conducted.

8. Accordingly, it is ordered.

9. In the result, the contempt petition stands disposed of with the direction as aforesaid. It is directed that the enquiry shall be conducted in the manner as above and within the stipulated period from the date of receipt of a copy of this order considering the materials available as on the date of suspension of the petitioner with reference to the relevant records. It is also directed that if the enquiry is not concluded before the expiry of the above period, the opposite party/contemnor shall forthwith revoke the suspension and to restore the petitioner as the Sarpanch of the concerned GP.

10. Issue urgent certified copy of this order as per rules.

(R.K. Pattanaik)
Judge

Signature Not Verified

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Signed by: KABITARANI MAJHI
Reason: Authentication
Location: OHC, Cuttack
Date: 11-May-2026 17:25:49

