



IN THE HIGH COURT OF ORISSA AT CUTTACK

CONTC No.7411 of 2024

***Abinash Mishra and
others***

.... Petitioners

*Mr. Budhadev Routray,
Senior Advocate*

-versus-

Saswat Mishra, I.A.S.

***.... Contemnor/
Opp. Party***

*Miss. Suvalaxmi Devi,
Addl. Standing Counsel*

**CORAM:
JUSTICE S.K. SAHOO**

ORDER

12.12.2025

Order No.

01. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

This contempt petition has been filed by the petitioners Abinash Mishra and others for non-compliance of the order dated 23.11.2022 passed by this Court in W.P.(C) No.20420 of 2017 as well as order dated 19.10.2023 passed in CONTC No.7940 of 2023.

It appears that the petitioners approached this Court in W.P.(C) No.20420 of 2017 and the same was disposed of vide order dated 23.11.2022 and in the operative portion of the order, it has been held as follows:

“Learned counsel for the petitioners submitted that similar matters were filed before this Court in W.P.(C) No.20401 of



2017 and W.P.(C) No.20426 of 2017 and both the matters were analogously heard and disposed of by a common judgment dated 29.09.2022 and this case is squarely covered by the ratio laid down in the said judgment.

The copy of the judgment was handed to the learned Additional Government Advocate for the State and on perusal of the same, he does not dispute such aspect. The learned counsel for the opp. party no.2 also concurs with the submission of the learned counsel for the petitioners.

Taking into account the observation made by this Court in paragraphs-14, 15 and 16 of the judgment, it is ordered that the matter needs to be revisited by the Finance Department keeping in view the peculiar facts and circumstances as narrated in the writ petition. The writ petition is therefore, disposed of with a direction to the Secretary, Finance Department (opp. party no.5) to consider the proposal of the Administrative Department afresh in terms of the observations made in the judgment passed in the connected writ petitions disposed of on 29.09.2022. Such exercise shall be completed within a period of two months from the date of communication of



this order or on production of certified copy thereof by the petitioners.”

Learned counsel for the petitioners submitted that in pursuant to the order dated 23.11.2022, the petitioners submitted the copy of the order to the contemnor for implementation of the same and on 17.12.2022, the order was also communicated by the Registry of this Court, however, the order was not implemented, for which, the petitioners filed a contempt petition i.e. CONTC No.7940 of 2023 and the same was disposed of vide order dated 19.10.2023 and in the operative portion, it has been held as follows:

“Considering the facts and circumstances of the case and upon hearing learned counsel for the parties, this Contempt Petition is disposed of by granting one month further time to the opp. party-contemnor to comply the order passed on 23.11.2022. However, if the order is not complied with within the extended time, it will be held as deliberate violation of this Court’s order.”

Learned counsel further submitted that in spite of the time stipulated by this Court not only while disposing of the writ petition but also the contempt petition, the order has not been complied with.

Mr. Routray, learned Senior Advocate submitted that the order dated 23.11.2022 passed in W.P.(C) No.20420 of 2017 clearly indicated that similar matters were before this Court in W.P.(C) No.20401 of 2017 and



W.P.(C) No.20426 of 2017 and the matters were analogously heard and disposed of by a common judgment dated 29.09.2022 and even though, the copy of the judgment was handed over to the learned Additional Govt. Advocate for the State at that point of time, he did not dispute such aspect so also the learned counsel for opp. party no.2 also concurred with the submission of the learned counsel for the petitioners. He further submits that in the said two writ petitions, since orders were not complied with, the CONTC No.126 of 2024 and CONTC No.127 of 2024 were filed and both were listed last time on 04.12.2025, wherein the contemnor appeared and he assured this Court that in view of the clarification issued by the NESTS that they would bear the financial cost including salary payments and also clarified that it has no objection to the steps to be taken by OMTES for the regularization of the petitioners, the process of regularization shall be worked out and some time was sought for and accordingly, this Court granted four weeks' time to the State to fully implement the order of this Court and directed the matters to be listed on 15.01.2026.

The copy of the order dated 04.12.2025 passed in CONTC No.126 of 2024/CONTC No.127 of 2024 is filed and taken on record and the same is handed over to the learned counsel for the State.

Learned counsel for the State seeks some time to obtain instruction regarding the implementation of the order particularly in view of the order dated 04.12.2025



passed in CONTC No.126 of 2024 and CONTC No.127 of 2024.

List this matter on 16.01.2026.

Learned counsel for the State so also learned counsel for the petitioners shall appraise this Court about the development made in the meantime.

(S.K. Sahoo)
Judge

Rajesh