

(2001) 05 OHC CK 0025

In the Orissa High Court

Case No : Original Criminal Miscellaneous Case No. 394 of 1999

Arjun Charan Biswal

APPELLANT

Vs

Trilochan Das, Director of Higher Education-in-Charge, Heads
of the Department, Building, Bhubaneswar

RESPONDENT

Date of Decision : 02-05-2001

Acts Referred:

Contempt of Courts Act, 1971 — Section 12

Citation : (2001) 91 CLT 729

Hon'ble Judges : N.Y. Hanumanthappa, C.J;B.P. Das, J

Bench : Division Bench

Advocate : Mr. S.N. Sharma, for the Appellant; A.G.A., for the Respondent

Judgement

1. The petitioner complains that by virtue of the order passed by this Court on 16-4-1998 in O. J. C. No. 5255 of 1998, he is entitled to get about a sum of Rs. 34,000/- towards the salary cost from the opposite party-contemner, i. e., the Director of Higher Education, Orissa. It is alleged that the authority has slept over the matter for all these days and, therefore, has clearly violated the order passed by this Court, for which the authority is liable to be punished under the Contempt of Courts Act. For the inaction and indifferent attitude of the opposite party, the petitioner, who is the legitimate claimant, should not suffer. If the amount due to the petitioner in the year 1998 would have been paid to him by virtue of the aforesaid order passed by this Court, he could have earned some amount of interest by depositing the said amount in a bank. Although the petitioner is urging for taking action against the concerned officer, under the Contempt of Courts Act, but in view of the submission of the learned Addl. Government Advocate, who is appearing for the opposite party - Director of Higher Education, who is present in Court today, that the amount shall be paid to the petitioner within a week, we are feel it to drop the proceeding by directing the opposite party a sum of Rs. 6,000/- (six thousand) over and above the amount the petitioner is entitled in 1998, which comes to about Rs. 40,000/- (forty thousand), instead of punishing the opposite party by taking action against

him as that would not help the petitioner.

2. Call this matter on 16th May, 2001, when the opposite party shall handover cheque for Rs. 40,000/- to the petitioner. Personal appearance of the opposite party is dispensed with for the present.

3. Ordered accordingly.