

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ OF 2022
(Arising out of SLP (Civil) No.4402 of 2021)

STATE OF ODISHA

Appellant

VERSUS

SAMAL BARRAGE EMPLOYEES' UNION

Respondent

WITH

SLP (Civil) No.4535 of 2021

SLP (Civil) No.4548 of 2021

SLP (Civil) No.4437 of 2021

O R D E R

CIVIL APPEAL NO. _____ OF 2022
(Arising out of SLP (Civil) No.4402 of 2021)

1. Leave granted.
2. This appeal challenges the order dated 01.03.2021 passed by the High Court of Orissa at Cuttack in Contempt Case No.896 of 2021.
3. The aforestated Contempt Petition was filed seeking enforcement of the order dated 29.01.2020 passed by a Single Judge of the High Court in Writ Petition (Civil) No.3442 of 2020. That writ petition was premised on the order dated 22.01.2020 passed by the Single Judge of the High Court in Writ Petition (Civil) No.1954 of 2020. After hearing both

sides, Writ Petition No.1954 of 2020 was disposed of directing the official respondent *"to look into the grievance of the petitioner in the matter of regularization in terms of the Court's direction involved therein within a period of seven days from the date of communication of the order along with copy of the writ petition and copy of the orders relied upon by the petitioner."*

4. Close on the heels of the aforesaid order dated 22.01.2020, Writ Petition (Civil) No.3442 of 2020 was filed by the respondent herein and as the prayers in the writ petition indicate, relief on the same line as was granted vide order dated 22.01.2020 was prayed for.

5. While dealing with Writ Petition (Civil) No.3442 of 2020, without issuing notice to the official respondents, the Single Judge of the High Court vide order dated 29.01.2020 directed as under:

"Considering the submission made and keeping in view the development as aforesaid, this Court directs the opposite party no.I to take step for regularization of the case of the petitioner keeping in view the direction under Annexures-1, 2 and 3 and also keeping in view the order of this Court dated 22.01.2020, passed in W.P.(C) No.1954 of 2020. The entire exercise shall be completed as expeditiously as possible, preferably within a period of one and half months from the date of communication of a certified copy of this order along with copy of the writ petition by the petitioner."

6. It is common ground that the case of the petitioner in Writ Petition (Civil) No.1954 of 2020 was considered by the

Department and by order dated 04.02.2020, the claim for regularization was rejected.

7. It appears that as the official respondents were not served in Writ Petition (Civil) No.3442 of 2020 and the order was not passed after issuing notice to them, nothing was done by the official respondents in pursuance of the directions issued by the Court in its order dated 29.01.2020.

8. Therefore, Contempt Case No.3553 of 2020 was preferred by the writ petitioner in Writ Petition (Civil) No.3442 of 2020, which was again disposed of without issuing notice to the official respondents with the direction that the direction issued by the Court in Writ Petition (Civil) No.3442 of 2020 be complied within 15 days.

9. This was followed by Contempt Case No.5600 of 2020 which was again disposed of without issuing notice to the official respondents reiterating the earlier directions and commanding the official respondents to deal with the matter within a week.

10. The matter was then considered by the Principal Secretary to Government, Department of Water Resources, Government of Odisha, and by order dated 31.12.2020, the prayer for regularization made by the petitioner in Writ Petition (Civil) No.3442 of 2020 was rejected.

11. Thereafter, yet another Contempt Petition being Contempt Case No.896 of 2021 was filed in which the Single Judge of the High Court was pleased to direct the personal appearance of the alleged contemnors in the High Court along with explanation as to why they should not be punished under the Contempt of Courts Act for deliberate violation.

12. As the facts clearly indicate, at no stage, the official respondents were noticed either when the original writ petition, namely, Writ Petition (Civil) No.3442 of 2020 was disposed of or first two contempt petitions were disposed of by the High Court. Even then the matter was considered by the Principal Secretary and by order dated 31.12.2020, the claim raised by the petitioner in Writ Petition (Civil) No.3442 of 2020 was rejected. Consequently, there was no occasion for the High Court to take cognizance in Contempt Case No.896 of 2021.

13. We, therefore, allow this appeal, set-aside the order dated 01.03.2021 passed by the High Court and dismiss Contempt Case No.896 of 2021.

14. It shall be open to the respondent Union to challenge the order dated 31.12.2020, if so advised. In case any such challenge is raised, the same shall be considered purely on its own merits without being influenced by any of the observations made by the High Court in the proceedings indicated hereinabove.

15. The appeal is thus allowed, without any order as to costs.

SLP (CIVIL) NO.4535 OF 2021; SLP (CIVIL) NO.4548 OF 2021; AND, SLP (CIVIL) NO.4437 OF 2021.

16. These Special Leave Petitions are directed against the order dated 29.01.2020 passed in Writ Petition (Civil) No.3442 of 2020; and two orders dated 04.11.2020 and 17.12.2020 passed by the High Court in Contempt Case Nos.3553 and 5600 of 2020 respectively. The Challenge need not be considered in the light of what we have observed in the earlier part of the order.

17. The Special Leave Petitions are, therefore, disposed of.

.....J.
(UDAY UMESH LALIT)

.....J.
(S. RAVINDRA BHAT)

New Delhi,
March 07, 2022.