

21. 30.01.2018 Heard the petitioner in person and Mr. Katikia, learned counsel for the Contemnors.

2. This Contempt Petition has been filed by the petitioner alleging non compliance of the Judgment dated 12.03.2012 passed in W.P.(C) No.9528 of 2010 wherein this Court has directed the Collector, Cuttack to take all necessary steps ensuring (payment to the followings)

- i) Fixation of pay scale,
- ii) Revised pay scale,
- iii) Annual increment,
- iv) Promotional benefits,
- v) Salary for the period from 02.09.1991 to 03.03.1992,
- vi) Gratuity and
- vii) All other financial & pensionary benefits

in favour of the petitioner positively within a period of three months from the date of the Judgment while quashing the order dated 18.12.2007 passed by the Collector, Cuttack to the extent that the period will not count as qualifying service for pension and other service benefits, directed that the said period of absence shall count as qualifying service both for pension and other service benefits.

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3. It is submitted by the petitioner that till date the aforesaid Judgment has not been complied with. He has further submitted that as his pay scale has not been revised as directed, he was not able to furnish his pension papers and he is getting only provisional pension till date though he has retired from service

since 2005.

4. Mr. Katikia, learned counsel for the Contemnors however, raised entitlement of promotional benefits of the petitioner and some other issues, which are not to be adjudicated in a Contempt Petition. It is open to the authorities to take appropriate steps as per the Service Rules regarding entitlement of promotional benefits of the petitioner, which need to be considered on its own merits in accordance with law. It is admitted by the parties that the Judgment dated 12.03.2012 passed in W.P.(C) No.9528 of 2010 is final as the same was not varied or challenged in any forum or pending. Since the Judgment dated 12.03.2012 has reached its finality, the same is to be complied with.

5. In view of the aforesaid facts and circumstances, we direct the opposite parties-Contemnors to comply the Judgment dated 12.03.2012 passed in W.P.(C) No.9528 of 2010 within a period of three months from today.

The Contempt Petition is accordingly disposed of.

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S.Panda, J.

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K.R.Mohapatra, J.

