

**HIGH COURT OF TRIPURA
AGARTALA**

Cont.App.(C) No.01/2024

Dr. T.K. Debnath Appellant(s).
VERSUS
Dr. Ankita Bhattacharjee & others Respondent(s).

For Appellant(s) : Mr. Raju Datta, Advocate.
For Respondent(s) : Mr. P. Roy Barman, Sr. Advocate,
Mr. Samarjit Bhattacharjee, Advocate.

Cont.App.(C) No.02/2024

Shri Gitte Kirankumar Dinkarrao & others Appellant(s).
VERSUS
Dr. Ankita Bhattacharjee & others Respondent(s).

For Appellant(s) : Mr. S.S. Dey, Sr. Advocate,
Mr. Mangal Debbarma, Advocate,
Ms. A. Chakraborty, Advocate.
For Respondent(s) : Mr. P. Roy Barman, Sr. Advocate,
Mr. Samarjit Bhattacharjee, Advocate.

**HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH
HON'BLE MR. JUSTICE ARINDAM LODH**

Order

16/07/2024

Appellant in Cont.App.(C) No.01 of 2024 is the Opposite Party No.4 in Cont.Cas(C) No.20 of 2024. He was the erstwhile Secretary of the Tripura Public Service Commission but has been transferred out on 23.02.2024. Appellants in Cont.App.(C) No.02 of 2024 are Opposite Party Nos.1 to 3 in the same contempt petition. They are the State officials of the Health Department. The contempt petition is pending in respect of alleged disobedience of the judgment and order dated 18.10.2023 passed in WP(C) No.449 of 2021. Appellants in both the appeals are aggrieved by the order dated 04.07.2024

wherein the learned Court after making certain observations has in relation to delay in the compliance of the order under offence proceeded to issue bailable warrants against the contemnors under the Contempt of Courts Acts and Rules. The matter is posted for 24.07.2024.

2. On the part of the appellants, Mr. S.S. Dey, learned senior counsel, submits that compliance affidavit has been filed before 04.07.2024 stating that two supernumerary posts have been created to accommodate the writ petitioners. Learned senior counsel further submits on written instructions that appointment order has also been issued in favour of the writ petitioners on 08.07.2024 in compliance of the order under offence. Learned senior counsel submits that, therefore, issuance of bailable Warrant of Arrest to ensure their appearance at the first instance was not proper. He has also referred to certain observations in the said order which may not be warranted in the facts of the case. Learned senior counsel on being asked, however, categorically states that the concerned officials are ready and willing to appear before the learned Court on the date fixed. However, coercive steps as directed by the learned Contempt Court may not be resorted to.

3. Mr. P. Roy Barman, learned senior counsel assisted by Mr. Samarjit Bhattacharjee, learned counsel appearing for the petitioners in Cont.Cas(C) No.20 of 2024 has referred to the order under offence and the delay in compliance of the order which perhaps has persuaded the learned Contempt Court to issue bailable Warrant of Arrest for their appearance. Learned senior counsel for the writ petitioners also submits that the Contempt Appeals may not be strictly maintainable since there is no punishment imposed in the eye of law in terms of Section 19 of the Contempt of Courts Act, 1971.

4. Having heard learned counsel for the parties and having regard to the statements recorded hereinabove, since the case is of a civil contempt and the opposite parties therein/appellants are ready and willing to appear before the learned Contempt Court to satisfy that the order under offence has been complied with, we are of the considered view that the issuance of bailable Warrant of Arrest as a coercive step to ensure their appearance may not be necessary. As such, on the basis of the undertaking given by the appellants, the order of issuance of bailable Warrant of Arrest dated 04.07.2024 for production of the opposite parties/appellants herein is interfered with and set aside.

5. Needless to say, the appellants should appear before the learned Court on the next date and satisfy the Court about compliance of the order under offence.

Both the appeals are disposed of.

Pending application(s), if any, also stands disposed of.

(ARINDAM LODH), J

(APARESH KUMAR SINGH), CJ

Pulak

PULAK BANIK Digitally signed by PULAK BANIK
Date: 2024.07.16 16:40:36 +05'30'