

GAHC010145872023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Cont.Cas(C)/418/2023

SMTI. KUNTALA KALITA
W/O SRI DILIP BARUAH, R/O BARHALI, NO. 3 SRIHATI, P.O.-HALOGAON,
P.S.-SUALKUCHI, DIST-KAMRUP (R), ASSAM, PIN-781103

VERSUS

BIBHASH MODI AND 2 ORS
THE DIRECTOR OF SOCIAL WELFARE, ASSAM, UZAN BAZAR, GUWAHATI,
P.O.-UZANA BAZAR, PIN-781001

2:HIMANGSHU HALOI
DISTRICT SOCIAL WELFARE OFFICER
KAMRUP RURAL DISTRICT
P.O.-AMINGAON
PIN-781031

3:SYED NASIUR RAHMAN
THE CHILD DEVELOPMENT PROJECT OFFICER
HAJO INTEGRATED CHILD DEVELOPMENT PROJECT
P.O.-HAJO
DIST-KAMRUP (R)
PIN-78110

Advocate for the Petitioner : MR. S CHAUHAN, M. BORUAH,MR. P MAZUMDER

Advocate for the Respondent : MR. M BHAGABATI (R-3), A LONGKUMER (R-1),MS
TOSHISENLA (R-1),MR. R DHAR (R-1),MS. B TALUKDAR (R-3),MS G BORA (R-3)

Linked Case : Cont.Cas(C)/420/2023

SMTI. RINA KALITA
W/O SRI UMESH KALITA
R/O BAMUNDI
HATIMURA
P.O.-BAMUNDI
P.S.-SUALKUCHI
DIST- KAMRUP (R)
ASSAM
PIN-781103

VERSUS

BIBHASH MODI AND 2 ORS
THE DIRECTOR OF SOCIAL WELFARE
ASSAM
UZAN BAZAR
GUWAHATI
P.O.-UZANA BAZAR
PIN-781001

2:HIMANGSHU HALOI
DISTRICT SOCIAL WELFARE OFFICER
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3:SYED NASIUR RAHMAN
THE CHILD DEVELOPMENT PROJECT OFFICER
HAJO INTEGRATED CHILD DEVELOPMENT PROJECT
P.O.-HAJO
DIST-KAMRUP (R)
PIN-781102

Advocate for : MR. S CHAUHAN
Advocate for : MR. M BHAGABATI (R-3) appearing for BIBHASH MODI AND 2
ORS

Linked Case : Cont.Cas(C)/419/2023

SMTI MANOMOTI DEVI
W/O SRI DEBAKANTA SHARMA
R/O BAMUNDI
P.O.-BAMUNDI

DIST- KAMRUP (R)
ASSAM
PIN-731103

VERSUS

BIBHASH MODI AND 2 ORS
THE DIRECTOR OF SOCIAL WELFARE
ASSAM
UZAN BAZAR
GUWAHATI
P.O.-UZANA BAZAR
PIN-781001

2:HIMANGSHU HALOI
DISTRICT SOCIAL WELFARE OFFICER
KAMRUP RURAL DISTRICT
P.O.-AMINGAON
PIN-781031

3:SYED NASIUR RAHMAN
THE CHILD DEVELOPMENT PROJECT OFFICER
HAJO INTEGRATED CHILD DEVELOPMENT PROJECT
P.O.-HAJO
DIST- KAMRUP (R)
PIN-781102

Advocate for : MR. S CHAUHAN
Advocate for : MR. M BHAGABATI (R-3) appearing for BIBHASH MODI AND 2
ORS

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

30.09.2024

Heard Mr. R. S. Chauhan, learned counsel for the petitioners in these Contempt case. Also heard Mr. R. Dhar, learned counsel for the respondent Nos.1 and 2 and Mr. M. Bhagawati, learned counsel appearing for the respondent No.3.

These Contempt Cases arise out of similar nature of orders passed by the learned Single Judge in three different writ petitions individually instituted by the petitioners assailing the order dated 02.02.2021 whereby the petitioners were released from service. The learned Single Judge has suspended the orders dated 02.02.2021 by issuing interim order. Pursuant to the interim order passed by this Court, the petitioners have also been allowed to continue in the respective posts of Anganwadi Workers and they are also drawing their wages/salary accordingly. However, according to the petitioners, the amount of salary paid to them by the authorities is less than what they are entitled to. Hence, alleging contempt of court, these Contempt Cases have been filed. The respondent Nos.1 and 2 have filed affidavit taking a stand that the orders of the Court have been complied with. Mr. Dhar, learned counsel for the respondent Nos.1 and 2 submits that the petitioners have not been able to show that they are entitled to draw higher amount of salary/wages than what is being paid to them at present and therefore, the question of contempt does not arise in this case.

After hearing the submissions of learned counsel for the respective parties, I find that the effective interim order passed by this Court in this case was staying the order of discharge/release from service dated 02.02.2021 in respect of the three petitioners. Pursuant to the interim order of this Court, the petitioners are continuing in service. Therefore, question of contempt of court, in the opinion of this Court, does not arise in the facts of the case. If the petitioners are aggrieved by the amount of salary paid to them, it will be open to them to assert their right by filing appropriate petition before the Court. However, the said aspect of the matter cannot be gone into in these contempt cases.

For the above reasons, these Contempt Cases are closed by granting liberty to the petitioners to seek redressal of their grievance, if any.

JUDGE

Comparing Assistant