

Party Name : ASHOKE DATTA Vs SUNIL BHOWMIK

HONBLE THE CHIEF JUSTICE DEEPAK GUPTA

The issue involved in this case is whether the Commissioner for Persons with Disabilities appointed under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 is a Court within the meaning of the Contempt of Courts Act, 1971 and a contempt petition will lie when the order of the Commissioner for persons with disabilities is not obeyed.

On the last date, I had asked Mr. Sinha, learned counsel for the petitioner, to satisfy this Court whether the contempt petition is maintainable or not, since the order, non-compliance of which is alleged has been passed by the Commissioner for Persons with Disabilities, Tripura.

The Chhattisgarh High Court in Contempt Case (C) No.548 of 2013 after discussing the entire law on the subject including the judgment of the Apex Court in ***Brajnandan Sinha Vrs. Jyoti Narain : 1956 Cri. L.J. 156, Thakur Jugal Kishore Sinha Vrs. The Sitamarhi Central Co-operative Bank Ltd.: 1967 Cri. L. J.1380, Bharat Bank Ltd. Vrs. Employees of the Bharat Bank Ltd.: AIR 1950 SC 188*** and other judgments held that the Commissioner or Chief Commissioner for persons with disabilities is not a Court and therefore, reference for initiating contempt proceedings initiated by the Commissioner was misconceived.

I am in total agreement with the said judgment. Faced with this situation Sri Sinha sought leave to withdraw the petition with liberty reserved to the petitioner to take appropriate proceedings in accordance with law.

Accordingly petition is dismissed as withdrawn.