

23.12.2021

Court : 04
Item : 28-29
Matter : CPAN
Status : DISMISSED
Transcriber: nandy

**CPAN 2008 of 2015
in
WPCT 291 of 2012**

**Shri Ram Chandra Bera.
Vs.
A. K. Das & Ors.**

Mr. Ujjwal Ray, Advocate
Mr. Arpa Chakraborty, Advocate
.....for the Petitioner/Applicant
Mr. Jayanta Banerjee, Advocate
Mr. Naba Kumar Das, Advocate
.....for the alleged Contemnors

CPAN 2008 of 2015

The alleged contemnors filed separate affidavits controverting the allegations made in the contempt application. A plea has been taken that much before the order was passed disposing of the writ-petition filed by the petitioner, a decision was taken which does not permit any employment in the category of the land looser. It is thus submitted that the petitioner is not entitled to any employment in such category and the aforesaid decision has already been communicated to the petitioner on November 3, 2021.

The writ-petition being WPCT 291 of 2021 filed by the petitioner, was disposed of on May 14, 2015 directing the competent authority to take appropriate decision with regard to the claim of the petitioner for employment in the land

looser category in terms of that order without any further delay and positively within six weeks from the date and communicate the decision to the petitioner within a week thereafter.

There is no dispute that the aforesaid order had been communicated to the respondents therein. There is also no dispute that despite the communication of the order, the decision has not been taken within six weeks therefrom which ought to have been taken. The decision sees the light of the day only on November 3, 2021 even after a considerable period of time has elapsed since filing of the contempt application. The alleged contemnor came out of the slumber when the Court passed an order on September 20, 2021 inviting the affidavit-in-opposition to be filed and the moment it was perceived that the matter may roll in such jurisdiction, the decision came on November 3, 2021 in haste. Now the shelter is taken under the aforesaid order showing compliance thereof.

But one cannot shut his eyes off to the reality that the authorities have chosen not to adhere to the time limit which was set up in an order passed by this Court in taking a prompt decision and deciding the fate of the claim made by the petitioner. The conduct of the contemnors

shows lack of sensitivity and zeal to discharge the duties entrusted upon them. The dormant and lethargic attitude of the authority is deplorable and need to be deprecated. There is no explanation, one can find from the affidavit filed today regarding such delay nor there is any satisfactory answer. The affidavits run into several pages highlighting the disentitlement of the petitioner in seeking benefit of the appointment under the land looser category. We thus find a case for issuance of a Rule.

Accordingly, Rule be issued upon the alleged contemnors.

They are permitted to file answer to the Rule in the form of an affidavit within two weeks after reopening of this Court following Christmas Vacation for the year 2021.

**Rule is drawn
in a separate
sheet.**

(Harish Tandon, J.)

(Rabindranath Samanta, J.)

