

01 19.03.2021
AN Ct. No. 04

WPCRC 13 of 2021
in
WPA 2710 of 2016

Jyoti Prasad Bandopadhyay
vs.
Manish Jain & anr.

Mr. Victor Chatterjee
... for petitioner

Mr. Kishore Dutta, learned A.G.
... for alleged contemner no. 1

Mr. Kishore Dutta, learned senior advocate and Advocate General appears on behalf of alleged contemner no. 1 who is present in Court on issuance of rule.

Mr. Dutta submits, by order dated 16th April, 2019 passed by the Additional Secretary, it was made clear that regular teachers were entitled to the revision and thereby arrears of revised salary. The University erroneously paid out 20% on revised salary to re-employed teachers, who are applicants. He wants for his client, opportunity to file affidavit in answer to the rule.

This contempt application arises out of order dated 18th June, 2018 disposing of the writ petition. The order records appearance of State in the hearing, when the order was made. In contempt jurisdiction, the only question is for determining whether there has been violation of the order and consequences. The reason for non-compliance, as in this case, is something that should have been agitated when the writ petition was being dealt with.

Keeping above observations in mind, alleged contemner no. 1 will file affidavit in answer to the rule. Mr. Dutta submits, four weeks time be granted. He informs Court that an appeal has been preferred.

Personal appearance of alleged contemner no. 1 is dispensed with for the time being. Alleged contemner no. 1 has four weeks to file affidavit. Copy of the affidavit should be served upon applicants in advance.

List on 7th May, 2021.

(Arindam Sinha, J.)