

04.8.2022
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SB
Ct. No.41

CPAN 136 of 2016
in
WPA 18481 of 2013

In the matter of : Smabhu Nath Metia

Ms. Reshmi Ghosh
Mr. Rahul Poddar
Mr. Sandip Dutta ... for the petitioner

Mr. Kanai Lal Samanta ... for contemnor No. 5

Mr. Bhaskar Prasad Vaisya
Mr. Suman Dey ... for contemnor no. 4

Ms. Chaitali Bhattacharyya
Mr. Mrinal Kranti Ghosh ... for the State

**Personal
Appearance**

Learned advocates for the petitioner, alleged contemnor nos. 4,5 and 6 are present.

It is submitted by the learned counsel for the petitioner that though the alleged contemnor no. 5 has filed affidavit of compliance on 02.3.2020 wherein he has submitted consolidated statement of arrear claim in terms of D.S.E., West Bengal stating that an amount of Rs.7,89,079/- is required to be paid to the petitioner being the arrears from 22.02.2000 to 31.12.2011.

Learned counsel appearing on behalf of the petitioner submits that in spite of calculation made by the respondent no. 5, respondent no. 6 has not released the said amount till date.

Learned counsel for the respondent no. 6 submits that the calculation made by the respondent no. 5 requires some corrections and it has been sent back to the

respondent no. 5 and after correction the respondent no. 5 has returned the same to the office of the respondent no. 6 and it has pending before the Director of Accounts, School Department for vetting and thereafter only the said amount will be debited in the account of the petitioner.

The submission made by the respondent no. 5 cannot be relied upon as it appears from the record that the headmaster had submitted the details of the arrears on 2nd November 2015 and now in 2022 the respondent no. 6 has taken this ground that the calculation is not correct which is not believable at this stage. It reveals from the record that this Court has passed an order in the year 2013 and since then the petitioner is not getting the fruit of the said order. The respondent no. 6 is taking time for compliance of the order but till date the respondent no. 6 has not complied with the order passed by this Court. This act of the respondent reveals that they are willfully and deliberately not complying with the order and thus this Court has no other alternative but to direct the contemnor no. 6 to appear in-person before this Court on 11.8.2022 at 2 PM.

List this matter on 11.8.2022 at 2 PM.

(Krishna Rao, J.)