

20.02.2020.
Item No. 59

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI.**

WP.ST 5 of 2019

**Kamal Mani and others.
Vs.
The State of West Bengal and others.**

**Mr. Debajit Kundu,
Mr. Shubhankar Dutta.
... for the petitioners.**

**Mr. Subir Kumar Saha,
Mr. Ankan Mitra.
... for the State.**

The writ petitioners had approached the West Bengal Administrative Tribunal with a prayer for a direction on the State respondents to issue appointment letters in their favour, by way of O.A. No. 1410 of 2012. By an order dated 30th January 2013, the learned Tribunal disposed of the Original Application. The operative portion of the said order reads as follows:

“We are also satisfied that only due to election process of 2011 appointment letters were not issued in favour of the petitioners and hence, we hold that if subsequent notification has not cancelled the panel of the petitioners, they must be considered for appointment if they are found otherwise eligible for such appointment and we direct the authority to issue appointment letters if the petitioners are eligible for such appointment within 3 months from communication of this order and if the petitioners have crossed the eligible age by this time, their age should also be condoned.”

Alleging willful violation of the aforesaid order of the learned Tribunal, the writ petitioners filed a contempt application before the learned Tribunal under Section 17 of the Administrative Tribunals Act, 1985, being CCP No. 149 of 2013. We are told that against the order of the learned Tribunal, the State had preferred an appeal to the High Court but such appeal has been dismissed.

The grievance of the writ petitioners in this present application is that the contempt proceeding is still pending although seven years have passed since its institution. The only prayer is for a direction for expeditious disposal of the contempt proceeding.

We have heard learned Counsel for the writ petitioners and learned Counsel for the State respondents. We are of the view that the prayer made in this application is innocuous and justified. Indeed, the contempt application cannot be kept pending for ever.

Accordingly, we direct the learned West Bengal State Administrative Tribunal to dispose of CCP No. 149 of 2013 as expeditiously as possible and in any event within a period of three months from the date of communication of this order.

At this stage, we are told by learned Counsel for the State that from the order of the High Court the State had preferred a Special Leave Petition, which was dismissed by the Hon'ble Supreme Court by granting liberty to the State to file a review petition before the High Court. We are told by learned Counsel for the State that such an application being RVW No. 113 of 2018 has been filed on behalf of the State in the High Court.

Learned Counsel for the petitioners submits that no copy of such application has been served on

the writ petitioners nor any copy has been filed before the learned Tribunal.

In view of the above, we make it clear that any order that the learned Tribunal may pass on the contempt application will be subject to the order that may be passed by the High Court in the review application.

The writ application being WPST 5 of 2019 is, accordingly, disposed of.

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(Abhijit Gangopadhyay, J.)

(Arijit Banerjee, J.)