

CPAN 7 of 2021
In
MAT 1124 of 2018

Gour Gopal Roy
Versus
Shree Videk Viad

(Through Video Conference)

Mr. Alok Roy Chowdhury, Adv.
Ms. Rashmita Dasgupta, Adv.
...for the petitioner

Mr. Pulakesh Bajpayee, Adv.
...for the alleged contemnor

This contempt application has been filed on the allegation that the guidelines indicated by us in our order dated 22nd January, 2020 were not followed by the revisional authority while considering the case of the writ petitioner.

Our attention is drawn to our observation where we directed the revisional authority to take into consideration as to whether the unauthorised absence was willful and there has been any finding to that effect by the Enquiry Officer. We further directed the revisional authority to take into consideration the mitigating factors and the explanation offered by the appellant in not being able to attend duties for the period for which charge-sheet was issued against him.

It appears that the alleged contemnor has passed an order. It is argued that the factors have been taken into consideration by the revisional authority while considering the said representation.

We do not usually make any comment on the merits of the order. If the revisional authority has not taken into consideration of the said

observations and/or directions and passed an order, it is susceptible to challenge and may be set aside. But in a contempt jurisdiction, we cannot decide the merits of the order passed by the revisional authority. Ignoring of any relevant consideration in not deciding the issue does not mean that the authority concerned has willfully and deliberately violated our order.

On such view of the matter, the contempt application stands dismissed.

However, we make it clear that we have not gone into the merits of the order passed by the revisional authority.

The appellant shall be at liberty to take appropriate steps in accordance with law, irrespective of the dismissal of the contempt application.

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)