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01.07.2021
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Ct23

IN THE HIGH COURT AT CALCUTTA
Special Civil Jurisdiction
APPELLATE SIDE
(Via Video Conference)

WPCRC 132 of 2009

In
WPA 13364 of 1991

Smt. Namita Misra & Ors.
Vs.
Dibyen Mukherjee & Anr.

Mr. Prabir Banerjee
... For the applicants/petitioners.

Mr. Suman De
.... For the contemnors.

The applicants are the legal heir and heiress of deceased Kali Pada Misra. The service of Kali Pada Misra while he was the Headmaster of Bhatsala Junior High School had been terminated by the Managing Committee of the said school. Challenging the termination, the said Kali Pada Misra filed a writ petition, being CO No.13364(W) of 1991. During the pendency of the writ petition, Kali Pada Misra died. The said writ petition was disposed of by an order dated 11th October, 2004. The relevant portion of the order is set out hereunder:-

“I thus, find that the order of dismissal was without jurisdiction. Since the petitioner died in 1999 before attaining the age of superannuation, it should be presumed that he died in harness and as such, he is entitled to get all service benefits till his death, as if, he was in service. The respondents are

directed to release all service benefits in favour of the present petitioners, the heirs and legal representative of the deceased Headmaster positively within three months from today; in default all such payment the amount will carry interest @ 10 per cent from the date of death, till actual payment”.

Alleging that the said order dated 11th October, 2004 was not complied with, this contempt petition was filed by the legal heirs and heiress of Kali Pada Misra.

It appears from the order dated 25th February, 2011 that the arrears salary amounting to Rs.9,38,143/- had been paid before the said date i.e. 25th February, 2011. The only amount which was then payable as appears from the order dated 25th February, 2011, was the interest on the said sum of Rs.9,38,143/-.

A memo dated 29th June, 2021, issued by the District Inspector of Schools (S.E.) South 24 Parganas, has been produced in Court today on behalf of the contemnors along with copy of the savings deposit pass book of the bank account maintained by Kali Pada Misra. The same is taken on record.

Copies of the said document are directed to be made over to the applicants/petitioners and/or their advocate, if not already supplied, by 2nd July, 2021.

It appears from the said documents that

interest @ 10 per cent, the final amount of Provident Fund and arrears pension and gratuity have been paid to the legal heir and heiress of Kali Pada Misra, being the applicants/petitioners in the contempt petition. The advocate for the petitioners agrees to the payments having been made.

It appears that the orders dated 11th October, 2004 and 25th February, 2011 have been complied with. Nothing further remains to be adjudicated in the contempt petition and the same is disposed of without any further order.

Rule stands discharged.

(Arindam Mukherjee, J.)