

02.08.2021

Ct. No.13

Sl. No.94

pk/akd

C. P. A. N. 646 of 2017

in

W.P.A. 1736 of 2009 *[via video conference]*

[Indu Bhusan Jana -Vs- Meenu Batra]

Mr. Ramdulal Manna,
Mr. Sabyasachi Mondal,
Mr. Sayan Mukherjee

... .. for the petitioner

Ms. Chandrayee Alam

... for the alleged contemnor.

Contempt is alleged of the order dated 28th November, 2014 passed by a Co-ordinate Bench in WPA 1736 of 2009.

The matter was carried in appeal before a Division Bench and the appeal was dismissed on 26th April, 2017 in FMA No. 3502 of 2015. The matter has thereafter been carried to the Hon'ble Supreme Court in SLP No. 25860 of 2017. Although the SLP has been admitted, no stay has been granted by the Supreme Court till date. It does not appear that the Union has taken any serious steps towards getting the SLP heard.

It is submitted by Ms. Alam, learned advocate for the alleged contemnor that the applications for substitution were being dealt with in the meantime.

This Court is, therefore, of the view that the writ petitioner, who has been substituted in place and stead of the original freedom fighter, is entitled to enjoy pension at least for the remaining few years of her life.

In those circumstances, the applicable pension to the petitioner shall be released forthwith and immediately starting from August, 2021.

The payment of arrears of pension and the current pension shall abide by the final result of the said proceedings before the Supreme Court.

It is expected that the current pension shall be released to the petitioner within a period of three weeks from date.

With the aforesaid directions, the contempt application being CPAN 646 of 2017 is disposed of.

Rule, if any, stands discharged.

There shall be no order as to costs.

All parties are to act on a server copy of this order duly downloaded from the official website of this court.

(Rajasekhar Mantha, J.)