

01.10.2021
Court No. 19
Item 970
CP

CPAN 855 of 2017
in
WPA 7449 of 2017

Monojit Sarkar & ors.
Vs.
Rajendra Raj Sundas & ors.

Mr. Kamalesh Bhattacharya
Mr. Sanjoy Karar
.....for the applicants.

Mr. K.M. Hossain
....for the alleged contemnors.

This court does not find any deliberate and wilful disobedience of the order of this court dated April 6, 2017. A reasoned order has been passed by the District Panchayat & Rural Development Officer, Uttar Dinajpur. The same is taken on record.

Mr. Bhattacharya, learned advocate appearing on behalf of the applicants, vehemently urges that the order passed by the alleged contemnor is not a compliance of the order of this court. The authority did not have any reason to deny the benefit of the revised remuneration when the initial benefit of the remuneration had already been given to the petitioners. The order shows that the claim of the petitioners have been rejected with reasons. Thus, this court is of the opinion that the request of Mr. Bhattacharya to decide the contempt application by considering the true meaning and purport of the

order of this court, in my opinion, cannot be the subject matter of contempt. In contempt there has to be wilful and deliberate violation of the order of the court which has to be proved beyond reasonable doubt. Thus the contention of Mr. Bhattacharya that the order is not substantial compliance would mean that the court would have to reopen the writ petition and interpret its own order.

The contempt application is disposed of. The contempt proceedings are dropped.

Liberty is granted to the petitioners to move the appropriate forum if they are aggrieved by the order passed by the authority.

All parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)