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**CPAN 1235 of 2019
With
CPAN 1258 of 2019
In
WPCT 74 of 2016**

**Kazi Ebadul Karim & Ors
vs
S. Bhattacharya & Anr**

**Mr. Partha Sarathi Bhattacharya,
Mr. Arunava Maiti,
Mr. Raju Bhattacharya,
... For the Petitioners.**

**Mr. R. N. Bag,
Mr. Shankar Ranjan Sen,
... For the Alleged Contemnors.**

Let the supplementary affidavit filed by the petitioners be kept with the record.

The aforesaid contempt applications are filed alleging the willful and deliberate disobedience of the order passed in WPCT 74 of 2016 by a different set of the writ petitioners and, therefore, in order to avoid the prolixity of the repetition, both the contempt applications are taken up together.

It appears from the stand taken by the alleged contemnors that they have acted in terms of the order passed in the said WPCT 74 of 2016 and, therefore, they cannot be held responsible for any act branded by the petitioners to be contumacious.

On the basis of a circular dated 16th July, 2010, land losers whose lands were acquired by the Railway Authority, were given opportunity to pray for service in the railways. As the prayers of some of the job seekers were turned down, they moved before the Central

Administrative Tribunal for redressal of their grievances. The litigation ultimately came up before this Court in WPCT 74 of 2016. This Court disposed of the said writ petitions with the following directions :-

- “(i) within a period of seven days from date of receipt of a copy of this judgment and order, the Chief Personnel Officer shall intimate the respondent no. 1, which of the documents are required from his end for ensuring placement of his claim before the screening committee;
- (ii) within a month of receipt of such intimation, the respondent no. 1 shall produce the necessary documents/papers before the Chief Personnel Officer and upon receipt of such documents/papers, the claim of the respondent no. 1 shall be placed before the screening committee for an appropriate decision;*
- (iii) bearing in mind the fact that other land losers have been offered appointment even upon attaining 47 years of age, we hope and trust that the screening committee shall not cite age-bar as a ground for not considering the claim of the respondent no. 1 and if a power of relaxation is indeed available to consider invocation of such power if the merits of the case so warrants; and*
- (iv) the entire exercise shall be completed as early as possible but not beyond June 30, 2019.”*

It is the grievance of the writ petitioners at this stage that though the writ petitioners have complied with direction No. (i) and submitted documents within due time, the Screening Committee refused to consider the said documents showing minor discrepancies.

Mr. Partha Sarathi Bhattacharya, learned counsel for the writ petitioners submits that by filing a supplementary affidavit, the petitioners have clarified the alleged discrepancies and produced documents annexed therewith to remove such alleged discrepancies.

In view of filing of such supplementary affidavit, we are of the considered opinion that purpose of the writ petitioners shall be achieved if the alleged

contemnors are given an opportunity to consider the supplementary affidavit in accordance with law. It is of course open to the alleged contemnors to arrive at an independent decision on due consideration of the documents annexed to the supplementary affidavit.

Therefore, the learned advocate for the alleged contemnors is requested to place the supplementary affidavit before the Chief Personnel Officer within a fortnight, who shall in turn place it before the Screening Committee for consideration.

It is submitted by the learned advocate for the alleged contemnors that the Screening Committee was set up only for the purpose of considering the applications of the petitioners and upon consideration of such applications, the Screening Committee has been dissolved.

Under such circumstances, the Railway Board is directed to set up Screening Committee within a fortnight from the date of the communication of this order.

The screening Committee is directed to act in terms of the order dated 8th February, 2019 in WPCT 74 of 2016.

The contempt applications are accordingly disposed of.

(Harish Tandon, J)

(Bibek Chaudhuri , J)