

05.08.2022

Court No.32
rpan/06

CPAN 44 of 2021

Sri Sukumar Majumder & Others

- Versus -

Jayasri Ray Chaudhuri

in

WPA 23758 of 2019

-

Mr. S. P. Pahari,

Mr. A. Pradhan,

Mr. T. K. Mahapatra

... for the petitioner.

Mr. Amitava Chaudhuri,

Mr. N. Roy

... for the Alleged Contemnor.

The present contempt application has been preferred alleging violation of an order dated 17th January, 2020, passed by this Court in a writ petition, being W. P. No.23758 (W) of 2019 [newly numbered as WPA 23758 of 2019].

Mr. Pahari, learned advocate appearing for the petitioners submits that the petitioners' claim had not been considered by the alleged contemnor in the light of the observations made in the said order. The petitioners' claim was withheld since appropriate documents were not furnished by the college authorities and at the time of final hearing of the writ petition, the learned advocate appearing on behalf of the State also submitted that the said documents

are required from the college authorities to process the petitioners' claim. According to Mr. Pahari, since the service documents were not available from the college authorities, the petitioners' claim was withheld. Surprisingly, when such documents were produced by the college authorities, a different decision has been taken on 13th September, 2021. The said order is, thus, *ex facie* violative of the order passed by this Court.

Such argument of Mr. Pahari is not acceptable to this Court. The alleged contemnor in terms of the order passed by this Court had considered the service documents, as furnished by the college authorities and has arrived at a finding that the petitioners are not entitled to the benefits.

It is well-settled that once an order has been passed by a party to a proceeding on the basis of the direction issued by the Court, there arises a fresh cause of action to seek redressal before the appropriate forum and such action does not constitute contempt.

Mr. Chaudhuri, learned advocate appearing for the alleged contemnor submits that there had been an unintentional delay in taking the decision within the period as directed

by this Court and on behalf of the alleged contemnor he tendered unconditional apology.

The contempt application, being CPAN 44 of 2021 is, accordingly, dismissed.

Such dismissal shall not prevent the petitioners from challenging the order dated 13th September, 2021 passed by the alleged contemnor before the competent forum.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(Tapabrata Chakraborty, J.)