

S/L 3
22.02.2022
Court No.26
SD

CPAN 201 of 2021
In
WPST 24 of 2019
(Assigned)
(Via Video Conference)

Ram Nagen Chowdhury
Vs.
Hari Krishna Dwivedi & Anr.

Mr. Sourav Haldar
Mr. D.N. Roy

...for the Applicant.

Mr. Anirban Ray
Mr. Pinaki Dhole
Mr. Avishek Prasad

...for the Alleged Contemnors.

We have heard counsel appearing on behalf of the parties.

The factual matrix of the case is as follows:

- a) The order of the Division Bench was passed on July 15, 2019 wherein the authority concerned was directed to revisit the issue of grant of pension to the petitioner keeping in view certain aspects that are delineated in paragraph 10 onwards in the order dated July 15, 2019.
- b) Subsequently, the order was not passed by the authority concerned and the writ petitioner was compelled to file a contempt petition.
- c) This contempt petition came up first on September 14, 2021 and thereafter on September 28, 2021. On September 28, 2021, Mr. Anirban Ray, learned Government Pleader submitted before the Court

that they are complying with the order passed by the Division Bench.

- d) On September 30, 2021 an order has been passed thereby rejecting the contention of the petitioner summarily.

Upon a plain reading of the order passed, it appears that the same was passed in haste and without complying with the directions and observations of the Division Bench. It is to be further noted that the petitioner was not given a chance to appear in this matter even though the authority concerned passed the order more than two years after the deadline given by the Division Bench.

Upon perusal of the order passed by the authority concerned, we are of the view that the said order is not in keeping with the spirit of the earlier order of the Division Bench. When this observation was made by the Division Bench, the learned Government Pleader has acquiesced to grant an opportunity of hearing to the petitioner or his representative and pass an order afresh.

In light of the same, the order dated September 30, 2021 is quashed and set aside with a direction upon the authority concerned to grant an opportunity of hearing to the petitioner or his representative and thereafter pass a reasoned order within a period of four weeks from date.

Accordingly, CPAN 201 of 2021 is disposed of.

(Saugata Bhattacharyya, J.) (Shekhar B. Saraf, J.)