

02.09.2022

Court No.32

rpan/04-5

WPCRC 61 of 2022
Sumit Kumar Sen
- Versus -
Khalil Ahmed & Others
in
WPA 6091 of 2020

Mr. Soumya Majumder,

Ms. Sanjukta Dutta

... for the Petitioner.

Mr. Naba Kumar Das,

Ms. Diana Ghosh Dastidar

... for the Contemnor no.1.

Mr. Swapan Kumar Mazumdar

... for the Contemnor no.2.

Mr. Pantu Deb Roy,

Mr. Anand Farmania

... for the Contemnor no.3.

The present contempt application has been preferred alleging violation of an order dated 28th September, 2020 passed by this Court directing the State respondents to disburse the pensionary benefits in favour of the petitioner, subject to compliance of necessary formalities, if any.

Ms. Dutta, learned advocate appearing for the petitioner submits that after an order was passed by this Court in the present contempt application on 5th August, 2020, a part amount has been disbursed in favour of the petitioner. Such pensionary benefits have been calculated on the basis of ROPA-2009 though such calculation ought to have been in terms of ROPA -2019, to which the petitioner is entitled. Persons, similarly situated with the

petitioner, have been granted pensionary benefits in terms of the ROPA-2019. Let the supplementary affidavit, as filed, be kept on record.

Mr. Das, learned advocate appearing for the alleged contemnor no.1 has placed before this Court a report of the Additional Secretary, Government of West Bengal annexing several documents. From the documents enclosed, it appears that pensionary benefits, amounting to ₹13,17,818/- has been credited to the petitioner's account on 22nd August, 2022, which includes the gratuity amount of ₹3,65,000/-.

Mr. Mazumdar, learned advocate appearing for the alleged contemnor no.2 submits that there had been no intentional violation of the order passed by this Court. Immediately upon sanction of fund, the benefits have been disbursed in favour of the petitioner and he would be getting his regular pension in terms of the PPO on and from the month of August, 2022.

Mr. Deb Roy, learned Additional Government Pleader enters appearance on behalf of the contemnor no.3 and submits that the said contemnor has not violated the order of this Court in any manner whatsoever.

Mr. Das, learned advocate and Mr. Mazumdar, learned advocate tender unqualified apology on behalf of the alleged contemnors towards the unintentional delay

which has occurred towards disbursement of the pensionary benefits.

Upon hearing the learned advocates and considering the sequence of facts, I do not find that there had been any wilful violation of my order. The petitioner has already been disbursed an amount of ₹13,17,818/- and it has been submitted by the learned advocates appearing for the alleged contemnor nos.1 and 2 that the petitioner's pension would be disbursed regularly on and from the month of August, 2022.

In view thereof, the contempt application is dismissed.

Rule, if any, is discharged.

It is, however, made clear that the petitioner would be at liberty to approach the competent forum claiming the arrears of benefits, if any and in accordance with law.

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

(Tapabrata Chakraborty, J.)