

06th January,
2022
(AK)
34-35

**WPCRC 83 of 2021
With
WPA 1507 of 2021**

(Via Video Conference)

Sathi @ Sujala Majhi and another
Vs.
Meenu Batra and another

Mr. Ramdulal Manna
Mr. Sayan Mukherjee
...for the petitioners.

Mr. Madan Murari Verma
Mr. Sushil Kumar Mishra
...for the alleged contemnors.

When the matter is called on for hearing, learned counsel for the petitioners submits that the alleged contemnors have flouted the order dated February 8, 2021.

It is seen that, by dint of the said order, the respondent nos.2 and 3 in the writ petition were directed to decide the application of the writ petitioners for family pension under the *Swatantrata Sainik Samman Pension Scheme* expeditiously, positively within three weeks from that date, and to commence disbursal of the pension under the said scheme, if the petitioners were otherwise found eligible, at the earliest thereafter.

Learned counsel appearing for the petitioners hands up a photocopy of a communication allegedly made by the alleged contemnors to the petitioners which indicates

that the alleged contemnors have taken initial steps for adjudicating the request of the petitioners for such pension and have asked for certain documents from the petitioners.

Although learned counsel for the petitioners submits that there still remains some vagueness and ambiguity about exactly what the alleged contemnors are seeking, it is clear from the communication dated December 21, 2021, a copy of which has been handed over in court today, that the sanction was made in favour of one Ms. Dipika Maji. Dipika Maji is the petitioner no.2 in the writ petition as well as in the contempt application.

It is further submitted that, in view of a subsequent communication indicating that both the petitioners are entitled to family pension, such ambiguity has been increased.

In view of such adjudication having been made, no contempt lies in the present case, since the alleged contemnors have substantially complied with the order by deciding the issue of pension.

In the event the petitioners are further aggrieved with such decision, it will be open to the petitioners to approach the writ court with a fresh writ petition, since such subsequent adjudication would furnish a fresh cause of action.

The petitioners shall comply with the requirements of the respondent authorities immediately for the purpose

of the alleged contemnors to start disbursing pension accordingly.

The contempt application stands dismissed.

The Rule stands discharged accordingly.

Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)