

14.07.2022
Sl.No.99(SL)
srm

W.P.C.R.C. No. 86 of 2022

Arising out of

W.P.A. No.10354 of 2021

Govind Prasad Jaiswal

Versus

Suresh Mishra

Mr. Partha Sarkar,

Mr. Abhijit Basu

... for the Petitioner/Applicant.

Mr. Basudev Gayen,

Mr. Ayan Banerjee,

Mr. Soumo Chaudhury

...for the Alleged Contemnor.

Mr. Suresh Mishra, the Chairman, Champdani Municipality, has appeared before the Court to answer the Rule.

A compliance report has been filed, from which it is evident that the amount claimed by the petitioner as arrear pension and gratuity have been credited to the account of the petitioner. An amount of Rs.1,54,560/- was credited on August 5, 2021. Prior to that, pension and gratuity had been paid in instalments by ECS and also by cash. The details of the payments made by ECS and the dates have been submitted. The copy of the cash book has also been submitted.

Thus, on the basis of the documents, which have been submitted before the Court, there has not been wilful violation of the order of the Court. Although it is the specific case of the petitioner that the payments were not received, the official records, which have been produced by the municipality with regard to the transactions, cannot be disbelieved.

Under such circumstances, if the petitioner still objects to the factum of payment, the remedy of the petitioner would be to file a separate writ petition with such allegations and specifications. The scope of contempt is limited to the extent of punishing a person who has intentionally and deliberately flouted or violated the order of the Court. In this case, the records, which have been produced, do not indicate that there has been any wilful violation.

The contention of the petitioner that the amounts were not received, cannot be decided in this proceeding. The petitioner is at liberty to approach his bank to ascertain whether the amounts had been credited to his account. The petitioner may also approach the Champdani Municipality and the accounts department thereof, for further clarification with regard to the payments made. The records produced herein, reveal that the payments, as

calculated by the municipality towards arrear pension and gratuity, have been made to the petitioner.

This order shall not prevent the petitioner from approaching the appropriate court of law with further grievances alleging non-receipt of the same, upon proper verification of his bank statements. If there are mistakes in the calculation, such issue can also be raised by filing a writ petition.

The contempt rule is discharged. Contempt proceeding is dropped. Contempt application is disposed of.

All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)