

September 17, 2024
AD 84
Ct. 17
SG

CPAN 1128 of 2023
in
WPA 16866 of 2011
with
CAN 1 of 2016(Old CAN No.110 of 2016)

Monawar Hossain and another
vs.
Dr. Sujoy Lal Thaosen

Mr. Sk. Mujibar Rahman
... for the petitioners.

Mr. Tarun Jyoti Tewari
Ms. Kausiki Bose
... for the alleged contemnor.

Report filed by the Union of India is taken on record.
Copy of the same is handed over to learned counsel for
the petitioners.

Learned counsel for the petitioners submits as
follows. By an order dated 25.08.2022 passed by this
Court in WPA 16866 of 2011, the respondent No.2,
Director General, CRPF was directed to consider the
representation of the petitioner No.1 to be made within
four weeks, within a period of six weeks from the date of
such representation. In compliance with the order, the
petitioner No.1 made a representation before the
concerned authority on 05.09.2022. He was surprised to
receive a communication made by DIG(Wel)Dte sending
information about rejection of the prayer of the petitioner
No.1 upon his consideration and approval of the DG.

Evidently, the direction passed by this Court was not complied with. The DG himself did not consider the representation. In fact, the points taken by the petitioners were not considered in the true perspective. During pendency of the contempt application the DG has considered the representation of the petitioner No.1, but without going to the actual position of law and facts.

Learned counsel for the Union of India denies the allegations made in the writ petition, relies on the report and submits that there was no intention on the part of the alleged contemnor to defy the order passed by this Court. The representation of the petitioners was duly considered by the DIG(Wel)Dte and approved by the DG, CRPF. Actually, due to miscommunication at the end of the learned counsel, the DG concerned was unable to comply with the order of this Court in its true sense. During the hearing of the contempt application an undertaking was given by the alleged contemnor to comply with the Court's order afresh and to file a compliance report. According to the report, the order passed by this Court has duly been complied with and the DG has passed an order dated 04.09.2024 in this regard in accordance with law.

As the order of this Court has been complied with, no further order need be passed in this contempt application.

If the petitioners are aggrieved with the merits of the said order, they shall be at liberty to take appropriate steps in accordance with law.

Accordingly, the contempt application is disposed of.

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

[Jay Sengupta, J.]