

22-04-2022
ct no. 13
Sl.7
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C.P.A.N. 1056 of 2021
In
WPA 11372 of 2020
Fatik Chandra Mondal
Versus
Mr. Siddhartha Roy & Ors.

(Via Video Conference)

Mr. Anirban Mitra
...for the petitioner/applicant

Mr. L. K. Gupta, ld. Sr. Adv.,
Mr. Siddhartha Banerjee, Adv.,
...for the respondent no.1 & 2

Mr. Mukul Lahiri, ld. Sr. Adv.,
Mr. Anirban Pramanick
...for the respondent no.3

It is submitted that the time within which the departmental enquiry was directed to be completed by the order dated March 25, 2021, stood extended by a Co-ordinate bench of this Court on 20th January, 2021 in CAN 2 of 2021 arising out of WPA 11372 of 2020. The order dated March 25, 2021 has, therefore, merged into the order dated January 20, 2022. The contempt application cannot be maintained in respect of the order dated 25th March, 2021. The respondent/contemnors have been unnecessarily harassed.

The alleged contemnors shall be entitled to take out appropriate proceedings against the petitioner.

The order dated January 20, 2022 is kept with the record.

Counsel for the respondent no.3 submits that the petitioner at all material times knew that as on the date of passing of the order dated March 25, 2021, the respondent no.3 was no longer holding the post of Registrar General, and had been transferred as District Judge at Barasat. The allegation of the respondent no.3 is vehemently denied by the counsel for the petitioner. The order of transfer and assumption of charge of the respondent no.3 are taken on record.

This Court does not wish to enter into the controversy and the respondent no.3 shall be at liberty to take out appropriate proceedings against the petitioner.

In view of the above, the contempt application is dismissed, with a warning to the petitioner to be more cautious in filing applications alleging contempt.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)