

WPCRC No.264 of 2013
Sri Khagendra Nath Ghosh
v.
Sri Avanindra Singh & Ors.

05.08.22
SL-08
Ct.-32
(S.R.)

Mr. Saptarshi Chattopadhyay ... for the petitioner.

The present contempt application has been preferred alleging violation of an order dated 9th February, 2015 passed in a writ petition being W.P. No.23371 (W) of 2007.

Mr. Chattopadhyay, learned advocate appearing for the petitioner files a supplementary affidavit. Let the same be kept on record.

According to Mr. Chattopadhyay, the alleged contemnors have not disbursed the provisional pension amount regularly in favour of the petitioner even after refund of the government share of provident fund money along with interest. Drawing the attention of this Court to the averments made in the supplementary affidavit, he submits that provisional pension is being paid to the petitioner in an irregular manner and that there are certain dues.

A perusal of the affidavit-in-opposition filed by the District Inspector of Schools (SE), Paschim Medinipur to the contempt application reveals that the petitioner did refund the government share of provident fund and that

thereafter the provisional pension, as directed, was calculated and disbursed in favour of the petitioner and as such, there had been no violation of the order dated 9th February, 2015.

Mr. Chattopadhyay submits that the petitioner had not yet been disbursed all the dues towards provisional pension as available to him in terms of the order passed by this Court.

Such claim involves disputed question of facts, which cannot be gone into in the present contempt application. The petitioner would, however, be at liberty to challenge such alleged non-disbursement of all arrears before the appropriate forum, in accordance with law.

Drawing the attention of this Court to the averments made in the supplementary affidavit, Mr. Chattopadhyay submits that one Niranjana Ghosh, who was an ex-colleague of the petitioner and a co-accused in the criminal case, is receiving full pension after his retirement and as such, the petitioner is also entitled to the same.

Such issue in my opinion cannot be decided by this Court since in a contempt application the Court cannot go beyond the order, which has already been passed. It thus appears that there had been no wilful and deliberate violation of the order of this Court by the alleged contemnors.

In view thereof, no further interference is called for in the present contempt application and the same is, accordingly, disposed of.

Rule, if any, stands discharged.

There shall, however, be no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

(Tapabrata Chakraborty, J.)