

Items- 1&2.	15-12-2023	CPAN 322 of 2022 West Bengal State Electricity Board Engineers' Association & Anr. Versus Santanu Basu & Anr.
sg	Ct. 8	

In

WPA 12082 of 2019

And

CPAN 324 of 2022
West Bengal State Electricity Board
Engineers' Association & Anr.
Versus
Santanu Basu & Anr.

In

WPA 3292 of 2019

With

RVW 134 of 2022
CAN 1 of 2022
CAN 2 of 2022

With

RVW 135 of 2022
CAN 1 of 2022
CAN 2 of 2022

Mr. Soumya Majumder, Adv.

Ms. Sanjukta Dutta, Adv.

...for the petitioners

Mr. Biswaroop Bhattacharya, Adv.

Mr. Chayan Gupta, Adv.

Mr. Saaqib Siddiqui, Adv.

Mr. Dhruv Chaddha, Adv.

...for the alleged contemnors

1. These contempt applications have been assigned to this Bench by the Hon'ble the Chief Justice in view of an order dated 13th October, 2023 passed by Hon'ble Justice Rajasekhar Mantha. His Lordship has released the matter in view of the judgement and order passed by this Bench in RVW 245 of 2022 and

RVW 246 of 2022 dated 30th August, 2023.

2. Although, we are of the view that there was no necessity for the learned Single Judge to release the contempt application as the said application could have been decided on the basis of the order passed on 30th August, 2023, we propose to take up this matter in view of the assignment.
3. In the review applications, we made our stand quite clear when it is stated that the provision of ROPA 2020 did not come up for scrutiny or consideration before the learned Single Judge or the Hon'ble Division Bench and the claim was only restricted to ROPA 2009.
4. Mr. Soumya Majumder, learned Counsel appearing on behalf of the petitioners has submitted that the contempt applications would be maintainable since in the order dated 17th September, 2021 or 30th August, 2023, the Hon'ble Division Bench did not expressly set aside the direction of the learned Single Judge namely, "the current D.A. shall be payable at Central Government rates from April 1, 2020".
5. The learned Single Judge in the said impugned order did not say that the said amount is to be paid in terms of ROPA 2020. If it were to be paid in terms of ROPA 2020 then, in view of our orders dated 17th September, 2021 read with 30th August, 2023, the said amount is not payable unless there is a fresh adjudication of rights with regard to entitlement of the petitioners under ROPA 2020 with regard to payment of DA at the Central Government rate.
6. In a contempt jurisdiction, the Court is required to find out whether there has been a deliberate and willful violation of the

solemn order. We do not find that there is any deliberate or willful violation of the order in the facts and circumstances of the instant case. Moreover, by reason of our clarification in the review applications, the direction with regard to payment of DA at the Central Government rate from April 1, 2020 under ROPA 2020 stand impliedly overruled for the reason we have recorded in our order dated 30th August, 2023.

7. It is trite law that the order has to be read as a whole in a meaning manner.
8. In view of the reasons aforesaid, the contempt applications stand dismissed. However, there shall be no order as to costs.
9. RVW 134 of 2022 and RVW 135 of 2022 are appearing wrongly in the list since they were withdrawn on 3rd February, 2023.
10. The department is directed to make proper endorsement in this regard.
11. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)