

Item No.63

In the High Court At Calcutta
Special Jurisdiction
Appellate Side

07.12.2023
Ct-24

CPAN 404 of 2023
Lakshi Rani Mishra
v.
Mrs. Jayasri Ray Chaudhuri
in
WPA 3918 of 2020

Mr. Srikanta Datta
... for the petitioner.

Mr. Amitava Chaudhuuri
Mr. N. Ray
... for the contemnor.

The direction passed by this Court on July 9, 2021 has been allegedly complied by the contemnor being the Director of Public Instruction, West Bengal by passing reasoned order on June 21, 2023.

As per the order passed by the Court the same was to be complied within a period of eight weeks from the date of communication of a copy of the order. The order was communicated in the month of September 2021.

The petitioner happens to be a widow daughter of a Group-D staff who died in harness. The claim of the petitioner seeking terminal benefits has been rejected.

The legality of the reasoned order cannot be adjudicated by the Court in contempt jurisdiction. The petitioner intends to challenge the reasoned order passed by the Director of Public Instruction.

Submission of the petitioner is that there has been enough delay in complying the direction passed by the Court. The petitioner seeks compensation on account of the delay in complying the Court's order.

It will be open for the petitioner to challenge the reasoned order before the appropriate forum and to seek interest on account of delay in payment of the terminal benefit if ultimately the Court is in favour of the petitioner for grant of terminal benefit as sought for.

The contempt application stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

Sh

(Amrita Sinha, J.)