

10 24.2.2023
Sc Ct. no.22

CPAN 554 OF 2018
with
I.A. No. CAN 1 OF 2019
(Old No. CAN 3130 OF 2019)
(Application is disposed of)
in
WPA 17060 OF 2017

Madhusudan Mukherjee

Vs.

Mr. Debal Kumar Hazra,
The Joint Secretary, Government
of West Bengal

Mr. Syed Arif Ahmed

.... For the Contempt
Applicant

Mr. Amitava Chaudhuri
Mr. Nirmalya Roy.

.... For the Contemnor

This is a contempt proceeding arose from an order dated December 1, 2017 passed by a coordinate Bench in WPA 17060 of 2017 at page 28 to the contempt application.

The relevant portion containing the direction of the coordinate Bench is quoted below :

“ Considering the submissions as advanced by Mr. Ahmed, learned Advocate appearing for the petitioner and after perusing the records, I direct the respondent no.2, the Joint Secretary, Government of West Bengal, Higher Education Department, to consider and take a decision in accordance with law in respect of the petitioner’s representation through his learned Advocate dated 16th June, 2017 within a period of eight weeks from the date of communication of this order after giving an opportunity of hearing to the petitioner or his

authorised representative and other interested parties and thereafter communicate the decision to the parties within one week.

With this direction, this writ petition is disposed of.”

Mr. Syed Arif Ahmed, learned advocate appearing for the petitioner submitted that in terms of the said direction of the coordinate Bench dated December 1, 2017 the reasoned order was passed by the appropriate authority as directed by the coordinate Bench dated May 8, 2018 at page 34 to the contempt application. He submitted that if this reasoned order is allowed to be sustained, then the valuable right of the petitioner shall be extinguished to receive pension.

Mr. Nirmalya Roy, learned advocate led by Mr. Amitava Chaudhuri, learned advocate appeared for the alleged contemnors.

After hearing the submissions of the parties and on perusal of the materials on record, it appeared to this Court that, since the reasoned order was passed after affording an opportunity of hearing to the petitioner by the appropriate authority as directed in the said order dated December 1, 2017, appearing at page 34 to the contempt application, the direction of the coordinate Bench stood complied with.

This Court, adjudicating contempt proceeding, has no jurisdiction to assess the merit of the said reasoned order dated May 8, 2018. The Court, while exercising

jurisdiction under contempt of court, shall only look into whether any deliberate and willful violation of the order of the Court is there or not.

In the facts of this case, I am of the firm view that there had been no violation of the direction of this Court passed on December 1, 2017.

In view of the above, this contempt proceeding being **CPAN 554 of 2018** being devoid of any merit stands dropped.

There will be no order as to costs.

(Aniruddha Roy, J.)