

09.02.2023
Sl. No.42(DL)
srm

CPAN 566 of 2022
In
W.P.A. No. 7192 of 2022
Ramdayal Bhaiya
Versus
Sri Suresh Mishra, Chairman, Champdany Municipality

Mr. Partha Sarkar
...for the Applicant.

Mr. Ayan Banerjee,
Mr. Souro Chaudhury
...for the Alleged Contemnor.

Affidavit-of-service is taken on record.

The repeated attempts of the alleged contemnor of the Champdani Municipality to contact with the applicant and to intimate the applicant that the gratuity and the arrear pension as per the calculation of the municipality had been paid, have failed. Postal articles and acknowledgement card showing that the applicant had either moved and/or left, have been filed in Court.

It appears that gratuity and arrear pension have been paid. It is submitted that pension up to August, 2022 have been released. Necessary bank statements have been filed showing transfer of the money by ECS to the bank account of the applicant.

Non-payment of pension for the subsequent period, i.e., after the order of this Court cannot be a part of the contempt

application. Moreover, the Court had not directed any particular quantum to be paid to the petitioner. The Court had directed the authority to decide and pass a reasoned order on the claim of the petitioner. Accordingly, the Court does not find any contempt. Moreover, the applicant did not approach the authority at the appropriate time, despite the order of the Court.

A calculation sheet and vouchers showing that the entire amount of Rs.3,41,055/- as gratuity was released on different dates, has been filed in Court. The dates and nature of payment of the same, shall be intimated to the learned Advocate for the applicant. The dates and mode of payments made on account of pension shall also be intimated. If there are any discrepancies in the calculation made by the applicant and the money paid by the municipality, the applicant would be at liberty to approach the authority for further clarification and payment. The applicant himself, shall approach the authority and shall not be represented by his son.

The Court does not find that there is any contempt.

As such, the contempt application, as it stands today, is disposed of without any orders. The contempt proceedings are dropped.

The vouchers, statement of payments etc., are taken on record.

(Shampa Sarkar, J.)