

17.02.2023
SL Nos.1-3
Court No.8
(gc)

WPCRC 35 of 2022

**Alok Ranjan Roy & Ors.
Vs.
Sri S.P. Singh, Divisional Railway Manager,
Eastern Railway & Ors.**

With

WPCRC 267 of 2019

**Alok Ranjan Roy & Ors.
Vs.
Probhas Dansana**

With

WP.CT 10 of 2019

**Union of India & Ors.
Vs.
Alok Ranjan Roy & Ors.**

Mr. Partha Sarathi Bhattacharyya, Sr. Adv.,
Mr. Sudarshan Ghosh,
Mr. Raju Bhattacharyya,
Mr. Arunava Maiti,
...for the Petitioners.
Mr. Siddhartha Lahiri,
Mr. Sanajit Kumar Ghosh,
...for the Alleged Contemnors.

In terms of our earlier direction, the alleged contemnors are present with an unaffirmed affidavit of compliance. We have gone through the affidavit and we permit the affidavit to be filed after affirmation in course of the day.

Mr. Partha Sarathi Bhattacharyya, learned Senior Advocate representing the petitioners has submitted that the candidates mentioned in Serial Nos.55, 80 and 100 have not been allowed to join posts since they were not

found medically fit. It is submitted that other State General Hospitals have given medically fit certificate in their favour.

Mr. Siddhartha Lahiri, learned Advocate representing the alleged contemnors has submitted that all the three candidates were medically examined by the B.R. Singh Hospital and they were not found medically fit. The said candidates may approach the authorities at B.R. Singh Hospital for reconsideration of their case on the basis of the report that they relied upon in this proceeding. We would expect the Railway Authorities to reconsider in the light of the documents that may be submitted by the said three candidates. Insofar as candidates mentioned in Serial Nos.33 and 93, we have been informed that they would be joining on Monday, i.e. 20th February, 2023 and all their salaries would be paid soon on completion of formalities. One candidate by the name of Sri Pradip Kumar Paul was examined by the Medical Committee and the recommendation of the Medical Committee, B.R. Singh Hospital is “the candidate has Granulomatous inflammation favouring Tuberculosis. Hence, he is temporarily unfit and should complete 6 months of ATD (Anti-Tuberculosis Drugs). After which he will be re-assessed for fitness”.

We direct Sri Pradip Kumar Paul to appear before the Medical Board after completion of the treatment as suggested and if he is found to be medically fit, he should be treated in the same manner as of the other candidates

who have been given appointment by the Railway Authorities in terms of our order.

The alleged contemnors are directed to release the salaries of those candidates who have joined but not yet received the salaries shall on completion of formalities be entitled to the salaries and the alleged contemnors must take expeditious steps to comply with this direction. In any event it should not extend beyond a period of one week from the date of completion of all formalities including bank details.

We also record that on the last occasion, it was brought to our notice on behalf of the petitioners that many of them were asked to deposit their bank details to expedite payment and because of such lack of information, we directed the alleged contemnors to be personally present to explain the reason for the delay.

The alleged contemnors are all present today in Court. The affidavit of compliance by the alleged contemnors is accepted. There has been substantial compliance of the direction passed by us.

The Rule is discharged.

The personal appearance of the alleged contemnors stand dispensed with.

Accordingly, the contempt applications, being WPCRC 35 of 2022 and WPCRC 267 of 2019 stand disposed of.

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)