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19.04.2023  
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IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE

W.P.C.R.C. 65 of 2023  
in  
W.P.A. No. 3965 of 2021  
+  
C.A.N. 1 of 2021  
+  
C.A.N. 2 of 2021  
+  
C.A.N. 3 of 2021  
+  
C.A.N. 5 of 2023

Rajib Roy  
Vs.  
Anil Kumar Dutta & Ors.

Mr. Saptangsu Basu,  
Mr. Satrajit Sinha Roy,  
Ms. Amrita Maji  
...for the petitioner

Mr. S.N. Mookerjee,  
Mr. Tapan Kumar Mukherjee,  
Ms. Sangeeta Roy,  
Ms. Debdooti Dutta  
...for the alleged contemnors

The learned Advocate General appearing on behalf of the alleged contemnors submits that insofar as the alleged contemnor nos. 2, 3 and 4 are concerned, they were not involved in the process of issuing work order, which has been construed by this Court as deliberate violation of the court's order.

However, insofar as the alleged contemnor no. 1 is concerned, it is submitted that the candid truth has

been revealed in paragraph 7 of the affidavit filed by the said contemnor. It appears from the said paragraph that the statements made therein speak the truth and there is no attempt to concoct a story in order to avoid the rigours of contempt. In the third sentence of the said paragraph, it has been candidly admitted by the alleged contemnor that the communication of the order escaped his attention, for which he tenders unqualified apology.

Keeping in view the advance stage of service of the alleged contemnor no. 1, his untainted history of service and the fact that he has tendered unconditional apology, bona fide doubt arises as regards whether the mistake committed by the said alleged contemnor was deliberate or unintended.

Since such doubt remains, it cannot be prudent for the court to take resort to the extreme remedy of penalizing the alleged contemnor for deliberate violation of the order of this court.

Hence, accepting the apologies of all the alleged contemnors, W.P.C.R.C. 65 of 2023 is discharged. The contempt application is, accordingly, disposed of.

However, the alleged contemnors shall ensure that the work order issued in violation of the order of this court be immediately cancelled and due steps be taken to comply with the order of this court in true spirit.

Further personal appearance of the alleged  
contemnors be dispensed with.

(Sabyasachi Bhattacharyya, J.)