

W.P.C.R.C 185 of 2022

In

WPA 21798 of 2009

Arindam Mukherjee

Vs.

Sujit Kumar Maity & Anr.

Ms. Reshmi Ghosh

Mr. Soumya Sankar Chini

...for the Petitioner/Applicant

Mr. Somnath Ghosal

Mr. Satyajit Senapati

....for the Alleged Contemnor No. 3

Mr. Subhabrata Datta

Mr. Tapas Kr. Mondal

Mr. Debashis Sarkar

...for the Alleged Contemnor No.1

The contempt application is taken up for consideration in presence of the learned advocates representing the applicant and alleged contemnor nos. 1 & 3.

The alleged contemnor no. 3 is personally present before this Court today.

Mr. Subhabrata Dutta, learned senior Government advocate representing the alleged contemnor no. 1 has placed before this Court compliance report dated 2nd January, 2023 signed by the said contemnor no. 1 along with a memo dated 2nd January, 2023 being No. L.C.-684 enclosing the calculation sheet relating to fixation of pay of the petitioner with effect from 10th February, 2010 in terms of the order passed by this Court.

On perusal of the said two memoranda both dated 2nd January, 2023 being no. L.C.-684 & L.C.-685 it appears that the period from 26th November, 1999 till 10th February, 2010

relating to service of the petitioner has been regularised by the alleged contemnor nos. 1 & 3 on sanctioning extraordinary leave and accordingly the pay of the applicant has been fixed with effect from 10th February, 2010 at Rs. 9860/- taking into consideration the said period i.e. 26th November, 1999 to 10th February, 2010.

In view of such exercise on the part of the alleged contemnor nos. 1 & 3 the order passed by this Court dated 16th February, 2022 stands complied with. However, till date the arrear accrues in favour of the petitioner due to such fixation of pay with effect from 10th February, 2010 has not been released.

The alleged contemnor no. 3 is directed to forward the arrear bills in view of fixation made by the school authority on 2nd January, 2023 by 10th January, 2023 to the office of the alleged contemnor no. 1 and on receipt of such arrear bills alleged contemnor no. 1 is directed to release the arrear dues in favour of the petitioner within a period of two weeks thereafter.

The concerned Treasury Officer is also directed to take necessary steps for making payment of arrear dues in favour of the petitioner.

However, Ms. Reshmi Ghosh, learned advocate representing the applicant has expressed dissatisfaction with regard to fixation of pay made in favour of the applicant with effect from 10th February, 2010.

In the event, petitioner has grievance relating to fixation of pay with effect from 10th February, 2010 as made by the school authority it will be open to him to approach the

concerned District Inspector of Schools (SE), South 24 Parganas for redressal of grievance in accordance with law.

The contempt application stands disposed of.

Rule stands discharged.

Personal appearance of the alleged contemnor no. 3 stands dispensed with.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)