

22.09.2023
Court No.13
Item No.8
AP

CPAN 1079 of 2023
With
WPA 3176 of 2022

Manash Kumar Sarkar
Vs.
Sri Sujit Samanta

Mr. Kamalesh Bhattacharya
Mr. Aninda Bhattacharya

... For the Petitioner.

Mr. Bhaskar Prasad Vaisya
Mr. Ranjan Saha

... For the alleged contemnor.

1. The CPAN 1079 of 2023 has been filed since the undertaking given by the State to pay revised provisional pension after applying necessary ROPA shall be paid to the petitioner. Based on the above earlier contempt application being CPAN 775 of 2023 was disposed of on 30th June, 2023.

2. In the instant application it is stated that although the provisional pension is being paid, the same does not take into consideration the revisions of the scale of the petitioner applying ROPA.

3. Mr. Vaisya relies upon rules of the State, which indicates that the provisional pension is based essentially on the last drawn pay.

4. In the event, the petitioner succeeds in the criminal proceedings against him, all arrears applying ROPA should be released to him.

5. The earlier communication to this Court by the State was based on incorrect instructions.
6. In that view of the matter, the contempt application being the CPAN 1079 of 2023 shall stand disposed of.
7. Personal presence of the alleged contemnor, if any, is dispensed with.
8. Rule, if any, shall stand discharged.
9. Interim orders, if any, shall stand vacated.
10. There will be no order as to costs.
11. All parties are to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)