

06-01-2023
ct no. 13
Sl. 48
sp

CPAN 1133 of 2022
In
WPA 17473 of 2022

Prakash Ranjan Kar
-Versus-

Narayan Chandra Pal & Ors.

Mr. Subir Sanyal,
Mr. Subir Hazra

.....for the petitioner

Mrs. Anwari Quraishi,
Mrs. Zainab Tahur

...for the State

Counsel for the alleged contemnors has placed a compliance report dated January 4, 2023. The Pension Payment Order has been released and pension has been commenced.

Mr. Subir Sanyal, learned counsel appearing for the petitioner, however, submits that the Pension Payment Order has been wrongly issued 'B' category pay scale.

Her last drawn pay was 'A' category pay scale. She was appointed with 'A' category pay scale. The Pension Payment Order, therefore, could not have been issued in 'B' category pay scale. Mr. Sanyal therefore submits that the contemnors ought to be proceeded against for violating the order of Court.

This Court notes that in the order dated August 23, 2022, the Court had not entered into

the question of actual entailment of 'A' category pay scale of the deceased wife of the petitioner. What was decided was that the recovery of the difference between 'B' and 'A' category pay scale from the petitioner and was illegal.

The actual entitlement of the petitioner's deceased wife from the date of appointment till the death, is, therefore, left open for being agitated in a separate proceeding.

With the aforesaid observations, CPAN 1133 of 2022 shall stand disposed of. Rule, if any, shall stand discharged.

The compliance report of the respondents dated 04.01.2023 is kept with the record.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)