

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

Present:

**THE HON'BLE JUSTICE HARISH TANDON
&
THE HON'BLE JUSTICE PRASENJIT BISWAS**

**WPCRC 72 of 2021
In
WPCT 291 of 2012**

**Shri Ram Chandra Bera
Vs.
A.K. Das & Ors.**

Appearance:

For the Petitioners	:	Mr. Ujjal Roy, Adv. Mr. Arpa Chakraborty, Adv.
For the Alleged Contemnor	:	Mr. Siddhartha Lahiri, Adv. Mr. Arijit Majumdar, Adv.
Judgment On	:	28.04.2023

PRASENJIT BISWAS, J.:

The contempt jurisdiction of the High Court is not only to ensure the compliance of the orders passed by the Court but also to strike at such acts which tend to adversely affect the administration of justice or has a tendency to impede the course of justice which may shake public confidence in the judicial institution. It can take note of such act and pass such orders under

the contempt jurisdiction where the acts adversely affect the majesty of law or dignity of the Court.

Once an order is passed by the Court of Law, the same is binding on the parties and must be capable of being executed and complied with. It will be of no value if the Court is unable to get its orders complied with or else, the public shall lose faith and it would reflect most inappropriately on the judicial system. Thus, the orders passed by the Court have to be taken to their logical conclusion so that the faith of the public at large remains intact and the orders of the Court are not to be taken lightly by those who are bound to comply with the same.

It appears that WPCT 291 of 2021 filed by the petitioner was disposed of on May 14, 2015 with direction given upon the competent authority for taking appropriate decision with regard to the claim of the petitioner for employment in the category of land looser within six weeks from the date and communication had to be made within a week thereafter. The decision was taken by the authority at the fag end of the year 2021 after elapsing of considerable period of time but the court cannot shut his eyes off that the authorities have chosen not to adhere to the time limit which was set up in an order passed by this court in taking a prompt decision. No plausible explanation can be inferred from the affidavits filed by the contemnor regarding such delay. The authority showed lethargetic and dormant attitude and as a result the relief granted to the petitioner by this court have disseminated and diluted. The affidavit filed by the alleged Contemnor No. 2A would reveal that the said officer is not competent to take a decision and

the Contemnor No. 1A is a competent authority to take a decision on the claim of the petitioner.

When an authority is directed to comply a decision of this court, they are also responsible for ensuring that the direction is carried out within the timeframe as mentioned therein. If the authority fails to fulfil this responsibility, they cannot simply pass the buck to someone else. An authority that tries to shift responsibility to others may lose the respect and trust of those they are supposed to lead. The directions given upon the authority must be taken seriously and if they fail to comply with it must be willing to accept the consequences of their actions. It is evident from two affidavits filed by the two contemnors that they tried to shift the responsibility from the shoulder from one to another. There is no doubt that the decision was not taken within six weeks therefrom which ought to have been taken and virtually the decision was taken even after a considerable period of time has elapsed since filing of the contempt application. The dormant and lethargic attitude of the authority is deplorable and need to be deprecated.

It is seen that the contemnor subsequently complied with the direction; it is likely that he has learned a valuable lesson about the importance of following court orders. This experience can be a wake-up call that reminds him that failing to comply with court orders can have serious consequences. The contemnors will likely be more cautious in future when it comes to complying with court orders. He will understand that failing to comply can result in significant legal repercussions and he will take steps to ensure that he does not make the same mistake again.

The contemnor should be more diligent in future about keeping track of deadlines and ensuring that he has fulfilled all of the requirements of a court order before the deadline expires.

This court finds that the contemnor has shown impertinence and contumacious attitude in not complying with the order passed by this court rather he has proceeded to interpret the court's order in his own manner. It is stated that the order has been substantially complied with.

In view of the above, contempt proceeding is dropped and the Rule is discharged. The contempt petition is disposed of.

Urgent Photostat certified copies of this judgment, if applied for, be made available to the parties subject to compliance with requisite formalities.

I agree.

(Harish Tandon, J.)

(Prasenjit Biswas, J.)