

06 10.05.2024
rkd Ct.15

CPAN 101 of 2023
In
W.P.A. 22187 of 2022

Ashok Kumar Saha
-vs-
Sunanda Bhattacharya

Mr. Anindya Bose,
Mr. Ashutosh Pal,
Mr. Mridul Biswas

....for the applicant.

Mr. Pradip Kumar Mondal,
Mr. Arka Mondal

....for the alleged contemnor.

The contempt application is heard in presence of the learned advocates representing the applicant and alleged contemnor.

Vide order dated 18th November, 2022 a coordinate Bench while disposing of the writ petition directed the Deputy Secretary, Department of Correctional Administration, Government of West Bengal being respondent no.2 in the writ petition to expeditiously consider the claim of the petitioner and pass a reasoned order after hearing all concerned parties including the petitioner within a specified period.

Today the learned advocate representing the alleged contemnor submits that the post of Deputy Secretary was abolished on 3rd December,

2022. Therefore the Joint Secretary, Department of Correctional Administration has passed order on 15th March, 2023 in terms of the order dated 18th November, 2022 passed by the coordinate Bench. The copy of the said order dated 15th March, 2023 is placed before this Court and the same is taken on record.

It has been recorded in the order dated 15th March, 2023 that the amount of Rs.71,66,182/- as submitted by the PWD exceeded the administratively sanctioned amount of Rs.55,77,656/- and it was beyond the administrative power of the Department to sanction the said amount of Rs.7,64,877/- to the applicant without the concurrence of the Finance Department, Government of West Bengal.

However, an affidavit has been filed today by the Additional Secretary, Department of Correctional Administration, West Bengal wherefrom it appears that as per requirement of the Finance Department the concerned Department is required to submit revised estimate and in receipt of such intimation from the Finance Department, the Department of Correctional Administration has already requested the ADG and IG of Correctional Services, West Bengal as well as the Executive

Engineer, Bankura Division vide letter dated 1st February, 2024 to submit revised estimate.

In view of the order passed on 18th November, 2022 and the subsequent steps taken by the Joint Secretary, Department of Correctional Administration by issuing memo dated 15th March, 2023 containing decision of the said Department and the request made on behalf of the Department of Correctional Administration, West Bengal to meet the requirement of the Finance Department, it is found that there is no willful deliberate violation on the part of the alleged contemnor.

Accordingly, the contempt application stands disposed of and contempt proceeding stands discharged.

However, this order shall not preclude the concerned authorities of Department of Correctional Administration, West Bengal to take steps for submitting revised estimate before the Finance Department for release of Rs. 7,64,877/- in favour of the applicant upon compliance of necessary formalities.

In the event the amount is not paid to the applicant, the said applicant shall be at leave to take necessary steps in accordance with law.

Urgent photostat certified copy of this

order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)