

10.05.2024
Court No. 15
Item No. 02
(Suvendu)

WPCRC 45 of 2023
IN
W.P.A. 7305 of 2020

Kalyan Biswas & Ors.
-Versus-
Subhankar Mullick & Anr.

Mr. Supriyo Chattopadhyay
..... for the applicants

Mr. Ranjan Saha
.....for the alleged contemnors

The contempt application is taken up for consideration in presence of the learned advocates representing the applicants and alleged contemnors.

There is allegation of violation of the order dated 20th November, 2020 passed by a Coordinate Bench on connected writ petition being WPA 7305 of 2020.

It has been submitted by Mr. Chattopadhyay, learned advocate representing the applicants that though vide order dated 22nd December, 2020 the arrear salaries were found to be payable to the applicants but that ought not to be treated as correct arrear amount in view of the observations made by the Hon'ble

Division Bench as it has been observed in the order dated 20th November, 2020. In effect, the applicants dispute quantification of the amount towards arrear salaries in view of the fact that the applicants worked beyond the dates.

Mr. Saha, learned advocate representing the alleged contemnors disputes the submissions made on behalf of the applicants and has drawn attention of this Court to the order of the Principal, Industrial Training Institute Kalyani, Nadia being the alleged contemnor no. 2 dated 22nd December, 2020 by which the alleged contemnor no.2 has made an exercise in terms of the order dated 20th November, 2020 to calculate the amount payable towards arrear salaries of the applicants.

It has also been submitted that in spite of quantification of amount which was found to be payable to the applicants the same could not be disbursed since the applicants have refused to accept the same.

Having considered the rival submissions made on behalf of the parties, this Court finds that since an order was passed by the alleged contemnor no. 2 on 22nd December, 2020 whereby it was decided to pay the arrear salaries to the applicants for rendering service beyond

the prescribed dates, such exercise carried out by the alleged contemnor no.2 should not be considered to have been made in willful and deliberate violation of the order dated 20th November, 2020 in the context of the submissions made on behalf of the applicants that the quantification of the amount payable to them is improper.

Accordingly, in view of the order passed by the alleged contemnor no.2 dated 22nd December, 2020, the contempt application stands disposed of and the contempt proceeding stands dropped.

However, this order shall not preclude the applicants to question the order dated 22nd December, 2020 by which quantification has been made towards payment of arrear salaries to the applicants.

It will be open to the applicants to request the alleged contemnors to make payment in terms of the order dated 22nd December, 2020 afresh by submitting application within a reasonable time. If such application is made before the alleged contemnors, the alleged contemnors shall make payment to the applicants within a fortnight from the date of receipt of such application.

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

(Saugata Bhattacharyya, J.)