

18.07.2024
Item No.03
Court No.11
Avijit Mitra

WP.ST 36 of 2024

In re: An application under Article 226 of the Constitution of India;

And

Aloke Choudhury & ors.
Versus
State of West Bengal & ors.

Mr. Falguni Bandyopadhyaya,
Ms. Riya Ballav,
Mr. Antariksha Karmakar
...for the petitioners
Ms. Sanghamitra Nandy,
Ms. Subhra Nag
...for the respondent nos.1 and 2
Mr. Tapan Kumar Mukherjee, Ld. A.G.P.,
Mr. Somnath Naskar
...for the respondent nos.3 and 4

The present writ petition has been preferred challenging an order dated 30th November, 2023 passed by the learned Tribunal in a contempt application being CCP 18 of 2023 passed in OA 204 of 2016. By the order impugned, the learned Tribunal observed that the contempt application was not tenable since the petitioners failed to submit the representations within the time, as directed by the learned Tribunal on 30th June, 2022 in OA 204 of 2016.

We do not find any reason to interfere with the order impugned in the present writ petition since there had been no deliberate violation of the order passed by the learned Tribunal on the part of the respondents.

Mr. Bandyopadhyaya, the learned advocate appearing for the petitioners, however, submits that immediately after obtaining the certified copy of the order of the learned

Tribunal dated 30th June, 2022, the representations were submitted and the same were forwarded to the respondent no.3 *vide* memo dated 18th October, 2022 issued by the Special Law Officer & Ex-Officio Deputy Secretary (Law).

He submits that by the order passed in the original application, the competent authority was only directed to consider and dispose of the individual representations of the petitioners. The said order was thus an innocuous one. There was also no intentional delay on the part of the petitioners to submit the representations and in view thereof, the competent authority may consider and dispose of the same.

Such prayer of Mr. Bandyopadhyay has, however, not been vehemently opposed by Mr. Mukherjee, learned Additional Government Pleader appearing for the respondent nos. 3 and 4 and Ms. Nandy, learned advocate appearing for the respondent nos. 1 and 2.

In view thereof and for the ends of justice, the writ petition is disposed of with a direction upon the respondent no.3 to consider the individual representations submitted by the petitioners, as annexed to this writ petition, within a period of eight weeks from the date of communication of this order along with a copy of the writ petition.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned advocates for the parties.

(Partha Sarathi Chatterjee,J.) (Tapabrata Chakraborty, J.)

