

08.03.2024
Court No.13
Item No.3
pk

WPCRC 210 of 2023

In

WP.ST 86 of 2021

Dr. Bikram Panda

Vs.

Sri Narayan Swaroop Nigam and others

Mr. Rahul Karmakar,
Ms. Gargi Goswami,
Mr. Sounak Mukherjee
... for the petitioner.

Mr. Tapan Kumar Mukherjee,
Mr. Pinaki Dhole,
Mr. Somnath Naskar
... for the alleged contemnors.

1. It is submitted by the learned counsel for the alleged contemnors that since the petitioner himself is drawing and disbursement officer, Tufanganj Mental Officer, Cooch Behar, he could have withdrawn balance amount of Rs.1,884,64/- from the Treasury to his own account.
2. This Court notes that the submission, to say the least is, preposterous. The petitioner, even if he is drawing and disbursement officer attached to the concerned Treasury cannot and should not make any payment to himself from the accounts of the Treasury.
3. In that view of the matter, the Principal Secretary, Finance Department, Dr. Manoj Pant shall nominate another officer in the Treasury Office, Tufanganj to pay the petitioner the said sum of Rs.1,88,464/-

admittedly, found as arrears payable to the petitioner in the letter of the Superintendent, Tufanganj Mental Hospital, Cooch Behar dated 11.01.2024. In the order dated 20.12.2023, this Court had recorded that the payment of interest to the petitioner would be decided later.

4. Having regard to the contempt found against the contemnor nos. 1 and 2, this Court directs that the interest @ 7 per cent per annum shall be paid on the principal amount of Rs.30,73,014/- from October, 2019 till the date of the payment of the amount. Since admittedly a sum of Rs. 1,88,464/- has not been paid till date, the contempt must be deemed to be continuing till date. The petitioner has submitted a calculation towards interest to be Rs.9,67,999.40/-.
5. Let the concerned officer to be nominated by the Principal Secretary, Finance Department, Dr. Manoj Pant also pay, after due verification, the said sum of Rs. 9,67,999.40/- to the petitioner within ten days. In the event such payment is not made the rate of interest shall be increased to 9 per cent per annum.
6. The Chief Secretary of the State shall be entitled to cause an enquiry into the delay in payment to the petitioner and take appropriate steps including the recovery from the salaries and emoluments payable to the concerned officials.

7. WPCRC 210 of 2023 shall stand otherwise disposed of. Liberty is reserved to the petitioner to mention the application for listing in the event on non-compliance of this order.
8. All parties are to act on a server copy of this order duly downloaded from the official website of this court.

(Rajasekhar Mantha, J.)

(Supratim Bhattacharya, J.)