

26.07.2024
SI No.36
Court No.29
(gc)

CPAN 864 of 2024
In
MAT 1664 of 2023

Bitasoke Mahata
Vs.
Pijush Kanti Bera,
District Inspector of Schools (S.E.), Bankura

Mr. Shuvro Prokash Lahiri,
Mr. Rajesh Naskar,
Mr. Akash Saha
...for the Applicant/Petitioner.
Mr. Supriyo Chattopadhyay, Ld. A.G.P.,
Mr. Sabyasachi Mondal
...for the Alleged Contemnor.

1. We have heard Mr. Supriyo Chattopadhyay, learned A.G.P.
2. We were about to issue a Rule for flagrant violation of our order as the D.I. has considered the two components, i.e., Dearness Relief and Medical Allowance disregarding our direction as we have clearly stated in our order that in absence of any amendment, Dearness Relief and Medical Allowance could not be excluded for the purpose of deciding the eligibility for compassionate appointment. The D.I. has no authority or jurisdiction to go beyond our order and make our order otiose and redundant by ignoring the specific direction.
3. Mr. Chattopadhyay has admitted that in our order Dearness Relief and Medical Allowance have been clearly excluded.

4. Once we have clearly excluded the said two components, the D.I. had no authority to deny the claim of the petitioner by taking into consideration the said two components which is clearly contemptuous.
5. However, on a prayer being made by Mr. Chattopadhyay for a direction upon the D.I. to consider the matter afresh and not to issue any rule of contempt, we dispose of this contempt application by directing the D.I. to reconsider the case of the petitioner for compassionate appointment strictly in accordance with the direction in Paragraph 5 of the order dated 17th January, 2024 within a period of three weeks from date.
6. Accordingly, the contempt application stands disposed of.
7. However, there shall be no order as to costs.
8. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Soumen Sen, J.)

(Uday Kumar, J.)