

ML 1452
23.08.2024
Ct. No. 18
adeb

CPAN 667 of 2022
In
W.P.A. 8090 of 2018

Smt. Dipali Banerjee
Vs.
Khalid Aizaz Anwar & Anr.

Mr. Tarapada Das
Mr. Chandan Dutta

...for the petitioner
Mr. Bhaskar Prasad Vaisya
Mr. Suman Dey
...for the contemnor no. 1
Mr. Sagnik Chatterjee
...for the contemnor no. 2

The contempt application is taken up for final hearing today in consideration of the affidavits filed by the applicant and alleged contemnors.

The issue is whether the benefit of Revision of Pay and Allowance Rules of 1998 was extended to the petitioner in terms of the direction as contained in the order dated 7th April, 2022 passed by this Court.

According to the learned advocate representing the petitioner though averments are made in the affidavit of the alleged contemnor no. 2 affirmed on 12th October, 2023 in paragraph 7 that in terms of ROPA 1998 petitioner's pay was fixed in the scale of Rs.3600/--Rs.7050/-but the same has actually not been done.

It appears from the affidavit-in-reply used by the petitioner which was affirmed on 4th July, 2024 that the pay of the petitioner was fixed at Rs.4825/- on 1st April,

1996 in the scale of pay of Rs.3600/--Rs.7050/- in terms of ROPA 1998 as provided in the Government Order no. 25-SE(B) dated 12th February, 1999. Such pay fixation on 1st April, 1996 is evident from a document which is at page 8 of the affidavit-in-reply of the applicant. It transpires that relevant part of the service book of the petitioner is annexed to the affidavit-in-reply at page 8.

In consideration of the pay fixation as it emanates from page 8 of the affidavit-in-reply the statements made by the alleged contemnor no. 2 in paragraph 7 of his affidavit-in-opposition stands corroborated. Therefore, this Court finds that pay fixation was duly made by the alleged contemnors in terms of ROPA 1998 upon fixing petitioner's basic pay at Rs. 4825/- on 1st April, 1996.

In view of aforesaid findings it further appears that the order of this Court dated 7th April, 2022 stands complied with.

Hence, the contempt proceeding stands dropped and contempt application stands disposed of.

There shall be no order as to costs.

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

(Saugata Bhattacharyya, J.)