

30.04.2024
Item No.17
RP/KS
Ct. No.1

C.P.A.N. 940 of 2022
With
F.M.A. 1798 of 2018
Mintu Mondal
Versus
Mr. G. S. Malik & Anr.

Mr. Debabrata Mondal
Ms. Sreetama Neogi

.....for the applicant

Mr. Sukanta Ghosh

.....for the alleged contemnors

1. This contempt application has been filed alleging willful disobedience of the judgment dated 30th June, 2022 passed in F.M.A. 1798 of 2018. The contempt applicant would admit that there has been partial compliance, but, however, it is claimed in the exception filed that for the period from 18th November, 2015 to 28th December, 2022, the applicant is entitled for benefits.
2. Learned advocate appearing for the respondents would contend that for the said period, the applicant is not entitled to any benefit because he was absent from duty and the period has been treated as extraordinary leave and this has been made clear in the report submitted by the authorities.
3. Therefore, it is not a case of any willful disobedience of the judgment for us to initiate any action for contempt.

4. Accordingly, C.P.A.N. 940 of 2022 stands dismissed.
5. However, it is open to the applicant to challenge the decision of the authorities with regard to the aforementioned period, which has been treated as extraordinary leave in the manner known to law before the appropriate authority.
6. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T. S SIVAGNANAM)
CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)