

ML 1453
23.08.2024
Ct. No. 18
adeb

CPAN 1091 of 2022

In

WPA 20842 of 2018

Sarwari Begam

Vs.

Khalid Aizaz Anwar & Anr.

Mr. Tarapada Das

Mr. Chandan Dutta

... for the Applicant

Mr. Bhaskar Prasad Vaisya

Mr. Ranjan Saha

....for the Alleged Contemnor No. 1

Mr. Suman Dey

Mr. Parikshit Goswami

...for the contemnor no. 2

The contempt application is finally taken up for consideration in presence of the learned advocates representing the applicant and alleged contemnors. Question arises for consideration whether the petitioner's husband was granted benefit of Revision of Pay and Allowance Rules, 1998 or not in terms of the order dated 5th July, 2022 passed by this Court on the connected writ petition.

From the affidavit-in-opposition to the contempt petition filed by the alleged contemnor no. 2 which was affirmed on 12th October, 2023 it appears averments have been made in paragraph 8 that basic pay of the husband of the petitioner was fixed in the scale of pay i.e. Rs.3600/-- Rs.7050/- in terms of ROPA 1998 rules. In support of such statements a pay fixation chart has been annexed at page 8

of the said affidavit wherefrom it appears that basic pay of the husband of the petitioner being primary teacher was fixed at Rs.4600/- in the scale of Rs.3600/--Rs.7050/- on 1st April, 1996. According to the alleged contemnors in terms of ROPA 1998 such fixation was made.

In rebuttal on behalf of the applicant it could not be shown during course of hearing that basic pay of the applicant's husband was fixed below Rs.4600/- not in the scale of Rs.3600/--Rs.7050/- upon producing relevant pay fixation documents in spite of opportunity was extended to the applicant to file affidavit-in-reply to the opposition used on behalf of the alleged contemnor no.2 in connection with the contempt application.

Since basic pay of the husband of applicant was fixed at Rs.4600/- in the scale of Rs.3600/--Rs.7050/- it ought not to be concluded that the applicant and her husband did not receive the benefits of ROPA 1998. Therefore, this Court finds no substance in the contentions made on behalf of the applicant that in violation of the order passed by this Court on 5th July, 2022 benefit of ROPA 1998 was denied to the applicant being the wife of the deceased teacher.

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.)