

Ml- 02.02.2024
19 Ct.15
rkd

CPAN 1392 of 2019
In
W.P.A. 7550 of 2009

Dr. Ainal Haque & Anr.
-vs-
Lipika Barman (Ghosh) & Ors.

Mr. Shamim ul Bari

....for the applicants.

Affidavit-of-service filed in terms of the order dated 15th December, 2023 is taken on record.

However, no one is representing the alleged contemnors.

This Court has heard Mr. Bari, learned advocate representing the applicants. It has been submitted by the learned advocate for the applicants that there is willful deliberate violation of the order dated 24th June, 2019 passed by a coordinate Bench on the connected writ petition. Attention of this Court has been drawn to the order dated 24th June, 2019 at pages 53 & 54 of the contempt application and prayer (b) which should be prayer (a) in the writ petition.

For better understanding of the case made out in this contempt application this Court finds it apt to quote prayer (b) [prayer (a)] below:

“b) A writ of or in the nature of Mandamus commanding the respondents,

their agents, servants, subordinates, employees and/or assignees to disburse the honorarium including arrear since the year 2006 in favour of the petitioners who are working as Part Time Homopathic Doctor/Medical Officer and Compounder-cum-dresser of Alinagar Gram Panchayat under Kaliachak-I Panchayat Samity forthwith including interest @ 18% per annum and to take consequential steps thereto.”

On perusal of the order dated 24th June, 2019 and aforesaid prayer (b) in the writ petition it appears that order was passed by the coordinate Bench granting order in favour of the writ petitioners in terms of prayer (b) [prayer (a)]. It further appears from prayer (b) of the writ petition that a mandamus has been sought for disbursal of honorarium in favour of the writ petitioners. It does not appear on conjoint reading of the order dated 24th June, 2019 passed by the coordinate Bench and prayer (b) [prayer (a)] of the writ petition whether any specific direction was given upon an authority to release honorarium in favour of the writ petitioners/applicants.

In view of aforesaid position this Court cannot infer that there is deliberate contumacious violation on the part of the alleged

contemnors/respondents.

Accordingly, contempt application stands dismissed.

However, this order shall not preclude the writ petitioners/applicants to take steps in accordance with law for release of honorarium in their favour if they are entitled to receive the same.

However, there shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)