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26.04.2024
Ct. No. 15
adeb

CPAN 1716 of 2023
In
W.P.A. 16590 of 2023

Manab Mondal
Vs.
Rajnish Kumar Mishra, Registrar-in-Charge, Armed
Forces Tribunal

Mr. Gunjan Kumar Singh
Mr. Kaushal Kumar
Ms. Anita Das

...for the applicant

Mr. Ashok Kumar Chakraborty, Ld. ASG
Mr. Ajay Chowbey
Ms. Sipra Chanda
Mr. Chandan Mishra

...for the respondent no. 2

The contempt application is for violation of the order dated 16th August, 2023 by which the coordinate Bench on the connected writ petition requested the Armed Forces Tribunal to consider the applicant's application and to dispose of the same by 1st December, 2023. By lodging this contempt application grievance has been expressed on behalf of the applicant that the Armed Forces Tribunal failed to dispose of the original application numbered as O.A. 83 of 2022 within the time specified by the coordinate Bench vide order dated 16th August, 2023.

Last occasion contempt application was heard when this Court directed the parties to exchange affidavits and it was also specifically stipulated in the order dated 8th March, 2024 that the Tribunal shall be

free to dispose of the original application on the next date finally.

Today, the learned advocates representing the parties have placed before this Court final order passed by the Tribunal dated 17th April, 2024 on the aforesaid original application whereby the original application stood disposed of.

The learned advocate representing the applicant submits that though the original application stood disposed of, but that is not within the time specified by the coordinate Bench and if the alleged contemnor would have been diligent, in that event the original application could have been disposed of within the prescribed time.

In answer to this point raised on behalf of the applicant this Court has heard Mr. Ashok Kumar Chakraborty, learned Additional Solicitor General and also perused the affidavit affirmed on behalf of alleged contemnor on 21st march, 2024 which is filed today and taken on record. It needs to be recorded that applicant has also filed reply to the affidavit and the same is also taken on record.

On perusal of the averments made in paragraph 5 onwards in the affidavit used on behalf of the alleged contemnor this Court is satisfied with the explanation offered in order to explain the delay caused in dealing with the original application.

In addition thereto, learned Additional Solicitor General has tendered unconditional apology on behalf of the alleged contemnor since the original application could not be disposed of within the time prescribed by the coordinate Bench. Such apology tendered by the learned Additional Solicitor General is accepted.

In view of aforesaid submissions made on behalf of the alleged contemnor and the explanation offered in the affidavit it appears that there is no willful and deliberate violation on the part of the alleged contemnor.

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

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

(Saugata Bhattacharyya, J.)