

**0702
2025**

FRIDAY

Court : 08
Item : DL-01
Matter : WPCRC
Status : DISCHARGED
Bench ID : 266048
Transcriber : NANDY

**IN THE HIGH COURT AT CALCUTTA
SPECIAL CIVIL JURISDICTION
APPELLATE SIDE**

WPCRC 25 OF 2025

(CPAN 538 OF 2023)

in

WPST 128 OF 2022

DR. SOMAK KRISHNA BISWAS

VS.

DEBASISH BHATTACHARYA & ANR.

MR. BISWARUP NANDY, ADVOCATE

.....for the Petitioner

MR. TAPAN KUMAR MUKHERJEE, LD. AGP

MR. SOMNATH NASKAR, ADVOCATE

.....for the alleged contemnor

1. Pursuant to the service of Rule, the alleged contemnor no. 2 appeared in person and represented by Mr. Tapan Kumar Mukherjee, learned Additional Government Pleader.
2. Mr. Mukherjee hands over the affidavit of compliance affirmed by the alleged contemnor no. 2, a copy whereof is served upon the learned Advocate appearing for the petitioner, indicating that the order dated 27.02.2023 passed by this Bench in connection with WPST 128 of 2022 has been fully complied with.
3. The affidavit of compliance further contains unconditional apology for the delay in securing the compliance which according to the said alleged contemnor, is unintentional.
4. We have seen the report of the Department annexed to the file, indicating that the service of the Rule could not be effected upon the alleged contemnor no. 1, as he demitted office on 30.09.2023.

5. The issue relates to acceptance of a letter of resignation tendered by the petitioner which was kept in suspended animation by the Authority and ultimately was rejected as this Court directed them to consider the said application in a manner indicated therein. Such order of rejection was passed in a mechanical manner repleting the stand taken earlier, thereby ignoring the observations and the directions passed by the Court.
6. The affidavit of compliance shows that the alleged contemnor no. 2 had taken a fresh decision and passed an order in tune with the order passed by this Bench while disposing of the writ-petition, meaning thereby, the petitioner has been released upon acceptance of the resignation letter.
7. We would have proceeded against the alleged contemnor no. 1 who, in fact, defied the order passed by this Bench but we find that the service could not be effected upon him. Bearing in mind the subsequent events disclosed in the form of an affidavit filed by the alleged contemnor no. 1, it would be an idle exercise to keep the contempt application pending, so far as the alleged contemnor no. 1 is concerned.
8. Since the order has been complied with as revealed from the annexures to the said affidavit of compliance and the fact that the alleged contemnor no. 2 was not in the helm of the affairs when the contemptuous act was

perceived and disclosed by the petitioner by filing the contempt application, we do not intend to proceed against the alleged contemnor no. 2, as he cannot be regarded to have willfully and deliberately violated the order passed by this Court.

9. There is no purpose of keeping the contempt application pending and accordingly, the contempt application being **WPCRC 25 of 2025** is **dismissed**.
10. The Rule is discharged.

(HARISH TANDON, J.)

(PRASENJIT BISWAS, J)