

06.01.2026
Item No.31
Court No.11
Avijit Mitra

**CRC 28 of 2025
in
FMA 982 of 2023**

Sri Partha Biswas
- Versus -
Mr. Sanjay Kumar Mishra

Mr. Dipankar Saha,
Mr. Pritam Choudhury,
Mr. Subham Kr. Das
...for the petitioner
Mr. Rajdeep Mazumder, Ld. D.S.G.
Mr. Saikat Basu,
Mrs. Arushi Rathore
...for the alleged contemnor

The present contempt application has been preferred alleging violation of the judgment dated 13th February, 2024 passed by this Court in the appeal being FMA 982 of 2023. When the matter last appeared for hearing on 12th December, 2025, Mr. Mazumder, learned Deputy Solicitor General-I appearing for the alleged contemnor submitted, upon instruction, that the appellant/writ petitioner would be reinstated in his service in the post of Constable (Band), RPF at the stage from which he was discharged.

Today, Mr. Mazumder submits that in compliance of the judgment, the writ petitioner/appellant had been

reinstated in his service to the post of Constable (Band) in RPF at the stage from which he was discharged, with immediate effect *vide* memo dated 17th December, 2025.

Mr. Mazumder further submits that all necessary steps are being taken by the alleged contemnor to enable the writ petitioner to complete the remaining period of training. In support of such contention he has also placed reliance upon a memo dated 29th December, 2025 issued by the alleged contemnor.

The affidavit filed incorporating the above memoranda, as placed, be kept on record and a copy of the same has already been handed over to Mr. Choudhury.

Answering our query, Mr. Mazumder further submits that the writ petitioner/appellant would be entitled to his salary on and from the date of his reinstatement *vide* memo dated 17th December, 2025.

Mr. Choudhury, learned advocate appearing for the writ petitioner/appellant, however, submits that from the memoranda annexed to the affidavit it does not appear that the authorities would be paying the back wages to the writ petitioner on and from date of his discharge. Such issue, in our opinion, need not be deliberated upon in the present contempt application and in the event of denial of such back wages it would be open to the writ petitioner/appellant to take appropriate steps, in accordance with law.

In view thereof, we are not inclined to proceed with the contempt application any further and the same is, accordingly, disposed of and the Rule is discharged.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)