

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)

Case No. CCP – 54 of 2022 (OA –549 of 2019)

Ananda Barman - VERSUS - Shri Sajal Ghosh,, Director & Ex-officio Secy., Deptt. of Agriculture, Govt. of West Bengal

Serial No. and Date of order	For the Applicant	: Ms. T. Bhattacharjee, Advocate
<u>5</u> 15.12.2022	For the Contemnor O.P.(s)	: Mr. G.P. Banerjee, Advocate

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638 – WBAT / 2J-15/2016 dated 23rd November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

On consent of the learned counsels for the contesting parties, the case is taken up for consideration sitting singly.

Mr. Banerjee submits a copy of the reasoned order passed by the respondent in compliance with the Tribunal's order dated 30.09.2021. Mr. Banerjee submits that this reasoned order may be accepted as the compliance report to the Tribunal's order. Ms. T. Bhattacharjee, however opposes that the reasoned order so passed by the respondent has not complied with the Tribunal's order in totality. Her submission is that in the Tribunal's order certain benefits were to be allowed to the applicant. However, the respondent has simply forwarded this to the Administrative Department. Therefore, by passing the responsibility to the Administrative Department, the alleged contemnor in this case did not comply with the Tribunal's order. Therefore, this may not be accepted as compliance order.

Mr. Banerjee, however, argues that the direction was to the Director for compliance of the Tribunal's order. Accordingly, he has complied by

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passing a reasoned order and referring the matter to the Administrative Department which has the financial authority to allow such benefits to the applicant. Therefore, the Director has complied by submitting the matter to the Administrative Department.

After hearing the submissions from both the learned counsels, I am of the view that the Director by passing the reasoned order and referring the matter to the Administrative Department which has the financial authority, has complied. However, if the applicant is not satisfied with the compliance report, the same may be challenged through a new application. Accordingly, the contempt proceedings are dropped and the matter is disposed of with liberty to the applicant to file a new application, if so desired.

SAYEED AHMED BABA
OFFICIATING CHAIRPERSON & MEMBER(A)

A.K.P