

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

**THE HON'BLE SAYEED AHMED BABA, OFFICIATING CHAIRPERSON AND ADMINISTRATIVE MEMBER,
Case No. – CCP 34 OF 2022 (OA 656 OF 2021)**

**SOUMYA SAIN - VERSUS - B.P.GOPALIKA, IAS., THE ADDITIONAL CHIEF SECRETARY,
DEPARTMENT OF HOME AND HILL AFFAIRS, GOVERNMENT OF WEST BENGAL & ORS.**

Serial No. and Date of order For the Applicant : Mr.M.F.Rahaman
Advocate

08
25.08.2023 For the Alleged Contemnor/ Opposite Party : Mr.Goutam Pathak 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 (Pt.-II) 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.

By an order dated 08.10.2021, the Tribunal had passed a direction to the Additional Chief Secretary, Home and Hill Affairs Department in the following words:

“directing the Secretary, now redesignated as Additional Chief Secretary, Government of West Bengal, Department of Home and Hill Affairs, the respondent no. 2 (i), to consider the case of the applicant for appointment as constable under the exempted category after verifying the documents and records within fifteen weeks from the date of presentation of copy of this order”.

Since no compliance was made by the Additional Chief Secretary, the applicant filed this contempt application. It appears from the records of this application that at least on two previous occasions, Mr.G.P.Banerjee, learned counsel for the alleged contemnor / opposite party prayed for accommodation to comply with the Tribunal's order. However, today also being the 3rd day of hearing, Mr.Banerjee has not filed a copy of the compliance order and prefers

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one more accommodation. Exasperated by such lack of response and commitment, Mr.Rahaman, learned counsel for the applicant submits that it is clear now that the alleged contemnor has no desire and motive to comply with the directions of the Tribunal, therefore, a Rule under Contempt of Courts Act, 1971 be issued against the alleged contemnor.

In view of the above facts and submissions of the learned counsel, a last chance is given to Mr.B.P.Gopalika, IAS, the Additional Chief Secretary, Department of Home and Hill Affairs to comply with the directions of this Tribunal in its order dated 08.10.2021 by the next date failing which the Rule under Contempt of Courts Act, 1971 will be issued against him.

Let a copy of this order be served upon the alleged contemnor, B.P.Gopalika, IAS, the Additional Chief Secretary, Home and Hill Affairs Department for his compliance.

Let the matter appear under the heading "For Orders" on 13th March, 2024.

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON AND MEMBER (A)

BLR