

ORDER SHEET
WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, SaltLake, Kolkata-700091.

Present-

THE HON'BLE SAYEED AHMED BABA, OFFICIATING CHAIRPERSON AND ADMINISTRATIVE MEMBER,

Serial No. and
Date of order

12
19.02.2025

Case No.:CCP 58 OF 2022 (OA 524 OF 2020)
SIKHA CHOUDHURY Vs. SMT. RACHNA BHAGAT, DIRECTOR, ICDS

Case No. :CCP 59 OF 2022 (OA 525 OF 2020)
ANJALI MUKHERJEE Vs. SMT. RACHNA BHAGAT, DIRECTOR, ICDS

Case No.:CCP 60 OF 2022 (OA 526 OF 2020)
SAGORIKA PAUL Vs. SMT. RACHNA BHAGAT, DIRECTOR, ICDS

CaseNo.:CCP 61 OF 2022 (OA 527 OF 2020)
NIVA DAS Vs. SMT. RACHNA BHAGAT, DIRECTOR, ICDS

CaseNo.:CCP 62 OF 2022 (OA 528 OF 2020)
SULEKHA CHAKRABORTY Vs. SMT. RACHNA BHAGAT, DIRECTOR, ICDS

CaseNo.:CCP 63 OF 2022(OA 529 OF 2020)
KAJAL SARKAR Vs. SMT. RACHNA BHAGAT, DIRECTOR, ICDS

CaseNo.:CCP 64 OF 2022 (OA 531 OF 2020)
FALGUNI SARKAR Vs. SMT. RACHNA BHAGAT, DIRECTOR, ICDS

CaseNo.:CCP 65 OF 2022 (OA 532 OF 2020)
SOUMITRA MAZUMDER Vs SMT. RACHNA BHAGAT, DIRECTOR, ICDS

CaseNo.:CCP 66 OF 2022 (OA 512 OF 2020)
PURNIMA CHATTERJEE Vs. SMT. RACHNA BHAGAT, DIRECTOR, ICDS

CaseNo.:CCP 67 OF 2022 (OA 513 OF 2020)
SANCHITA MUKHERJEE Vs SMT. RACHNA BHAGAT, DIRECTOR, ICDS

CaseNo.:CCP 68 OF 2022 (OA 515 OF 2020)
SIKHA CHATTERJEE Vs. SMT. RACHNA BHAGAT, DIRECTOR, ICDS

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CaseNo.:CCP 69 OF 2022 (OA 517 OF 2020)
DIPTI CHOWDHURY Vs. SMT. RACHNA BHAGAT, DIRECTOR, ICDS

CaseNo.:CCP 70 OF 2022 (OA 518 OF 2020)
SWARNALI MUKHERJEE Vs. SMT. RACHNA BHAGAT, DIRECTOR, ICDS

CaseNo.:CCP 71 OF 2022 (OA 519 OF 2020)
TAPASHI MALLICK Vs. SMT. RACHNA BHAGAT, DIRECTOR, ICDS

CaseNo.:CCP 72 OF 2022 (OA 520 OF 2020)
KRISHNA CHAKRABORTY Vs. SMT. RACHNA BHAGAT, DIRECTOR, ICDS

CaseNo.:CCP 73 OF 2022 (OA 521 OF 2020)
BABY AISH Vs. SMT. RACHNA BHAGAT, DIRECTOR, ICDS

CaseNo.:CCP 74 OF 2022 (OA 522 OF 2020)
CHHANDA MUKHERJEE Vs. SMT. RACHNA BHAGAT, DIRECTOR, ICDS

CaseNo.:CCP 75 OF 2022 (OA 322 OF 2020)
CHHAYA DAS CHAUDHURI Vs. SMT. RACHNA BHAGAT, DIRECTOR, ICDS

CaseNo.:CCP 76 OF 2022 (OA 323 OF 2020)
KUKU RANI DAS Vs. SMT. RACHNA BHAGAT, DIRECTOR, ICDS

CaseNo.:CCP 77 OF 2022 (OA 324 OF 2020)
ASHIMA MONDAL Vs. SMT. RACHNA BHAGAT, DIRECTOR, ICDS

CaseNo.:CCP 78 OF 2022 (OA 325 OF 2020)
MINATI SIKDAR Vs. SMT. RACHNA BHAGAT, DIRECTOR, ICDS

CaseNo.:CCP 79 OF 2022 (OA 326 OF 2020)
SHYAMALI MONDAL Vs. SMT. RACHNA BHAGAT, DIRECTOR, ICDS

CaseNo.:CCP 80 OF 2022 (OA 327 OF 2020)
JYOTSNA BHATTACHARJEE Vs. SMT. RACHNA BHAGAT, DIRECTOR, ICDS

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CaseNo.:CCP 81 OF 2022 (OA 328 OF 2020)
SIMA CHAKI Vs. SMT. RACHNA BHAGAT, DIRECTOR, ICDS

CaseNo.:CCP 82 OF 2022 (OA 329 OF 2020)
SIKHA MUKHERJEE Vs. SMT. RACHNA BHAGAT, DIRECTOR, ICDS

CaseNo.:CCP 83 OF 2022 (OA 330 OF 2020)
APARNA DUTTA Vs. SMT. RACHNA BHAGAT, DIRECTOR, ICDS

CaseNo.:CCP 84 OF 2022 (OA 331 OF 2020)
SUPRA SINHA DAS Vs. SMT. RACHNA BHAGAT, DIRECTOR, ICDS

CaseNo.:CCP 85 OF 2022 (OA 332 OF 2020)
CHHANDA JASH Vs SMT. RACHNA BHAGAT, DIRECTOR, ICDS

CaseNo.:CCP 86 OF 2022 (OA 333 OF 2020)
SUPARNA DHAR Vs. SMT. RACHNA BHAGAT, DIRECTOR, ICDS

For the Applicants: : Mr. Gautam Pathak Banerjee,
Learned Advocate

For the Alleged Contemnor/ : Mr. Soumendra Narayan
Ray Opposite Party Learned Advocate

The matters are 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.

Since the matters appearing in today's cause list from serial Nos. 5 to 32 and in today's supplementary cause list serial No.1 are similar, all the matters are heard analogously.

The applicants have filed these contempt applications alleging non compliance of the Tribunal's order in their respective Original applications. The applicants were petitioners in their respective Original applications in which they had prayed for a direction to the respondent authorities to provide CAS benefits of 10 / 8 years of continuous service.

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The applicants had joined as Supervisor (ICDS) in Scale No. 9 and superannuated as Supervisors. The most important order the applicants placed their reliance is a direction of this Tribunal in OA-1646 of 1998 in which the Tribunal on 20.09.2007 directed the State respondents to give Scale No.10 benefits to the petitioners and subsequent benefits. The order passed in OA-1646 of 1998 was challenged by the State respondents in the Hon'ble High Court in WPST-147 of 2009 which was not successful. Similarly, the State moved the Hon'ble Apex Court in a SLP which was also dismissed. Subsequently, the prayers for granting Scale No. 10 and consequent benefits was disposed by this Tribunal in their respective Original applications with the following words:

“After considering the aforesaid factual aspect of the case and submission of the learned counsel of the contesting parties, all the applications are disposed of by directing the Director of ICDS, Government of West Bengal, Kolkata, the respondent No. 3, to consider and dispose of the representations of the applicants, being annexure (Annexure A/10) in all the applications, strictly adhering to settled principles of law laid down in O.A.No.1646 of 1998 and in WPST No.147 of 2009 within a period of fifteen weeks from the date of presentation of a copy of this order downloaded from the website of the Tribunal.”

Since the respondent authorities had failed to comply with such direction within 15 weeks time, the applicants preferred these contempt applications. After filing of the Contempt applications, the Director, ICDS, passed the reasoned orders in compliance to the directions. However, the Tribunal did not agree that the reasoned order passed by the respondent authority was in compliance to the direction of this Tribunal in OA 512 of 2020. Another opportunity was given by the Tribunal to comply by passing a reasoned order. In compliance to such direction, the respondent authority considered the matter again and passed a reasoned order dated 28.01.2025.

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Smt. Rachna Bhagat, the Director of ICDS and the alleged contemnor in this case in the compliance report has regretted the prayer of the applicant for granting the benefits of scale no. 10. The relevant part of the reasoned order is as under :

*“6. So, it is quite evident and clear on the face of the ratio passed (the **under lined portion of the order may kindly be seen at Para 4**), that Ld. Tribunal has caused a direction on the State respondents to provide certain relief to **“petitioners”** of the said Original application.*

7. Hence, respondent authorities have not made any irregularity by denying these petitioners benefit of scale 10 and subsequent CAS benefits, since these petitioners were not party to said original application.

8. Thus the Reason Orders passed by the Director ICDS is in conformity with the law laid down in OA 1646 of 1998.”

From the above reasoning given by the alleged contemnor, it is clear that the Tribunal’s direction was to consider and dispose of the representations adhering to settled principles of law laid down in OA 1646 of 1998 and WPST 147 of 2009. It is a fact that these applicants were not petitioners in OA 1646 of 1998 and WPST 147 of 2009, therefore, the applicants by any logic could not have demanded the same benefit as was given to the applicants and petitioners in OA 1646 of 1998 and WPST 147 of 2009. It is also to be appreciated that once the final outcome of OA 1646 of 1998 and WPST 147 of 2009 was known to the applicants, they rushed to this Tribunal to claim similar benefits. In short, they were the fence stragglers and hoped to get the same benefit as was given to others who had been successful in their litigation before this Tribunal and before the Hon’ble High Court in getting the scale no. 10. The intention of this Tribunal while passing a direction to consider their representations in the light of law laid down in OA 1646 of 1998 and

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WPST 147 of 2009 was to give the benefit of doubt and an opportunity to the applicants if their cases appear to be akin to the petitioners of the earlier case. Had the Tribunal been convinced itself that the case of these applicants were similar to the others, the Tribunal would not have hesitated in expressing the same opinion and directed the respondent authority in unequivocal and unambiguous terms to grant such benefit to the applicants as well. Since the Tribunal was not fully convinced, therefore, no such specific direction was issued to the respondent authorities. Instead, it preferred the respondent authority to examine the representations of the applicants in the light of OA 1646 of 1998 and WPST 147 of 2009. It is abundantly clear that the final decision whether the applicants were also entitled to benefit from scale no. 10 was left to the better discretion of the respondent authority. Thus, in compliance to such directions, the alleged contemnor considered the representation of the applicants and came to the conclusion that they were not entitled for such benefit. Further, not being a party to the cases relied upon by the applicants, they were not entitled to receive similar benefit. Therefore, having observed the final points of the directions of this Tribunal in OA 512 of 2020 and the reasoned order passed by the alleged contemnor, the Tribunal is of the view that the alleged contemnor complied with such directions and therefore, no contempt lies against Smt. Rachna Bhagat, the Director of ICDS. The contempt proceedings are **dropped** and the contempt applications are **disposed of**.

(SAYEEDAHMEDBABA)
OFFICIATING CHAIRPERSON AND MEMBER(A)

SCN.