

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-6 of 2022 (OA- 285 of 2022)

Ajit Kumar Ghosh **VERSUS** – Mr. Utpal Kumar Naskar, Commandant, Civil Defence, Kalyani.
Serial No. and Date of order For the Applicant : Mr. A.K. Das Sinha,
Learned Advocate.

02 For the State : None.
25.04.2023 Respondents/Contemnors

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 learned counsel for the contesting party, the case is taken up for consideration sitting singly.

Affidavit of service filed be kept with the record.

This contempt application has been filed praying for a show cause notice to be issued to the respondents/contemnor as to why the order passed by the Tribunal on 28.07.2022 was not complied.

By an order dated 28.07.2022, the Tribunal had passed a direction both to the applicant as well as Respondent No. 3 in OA-285 of 2022. The relevant portion of the order is as under :-

“Having heard the learned advocates for the parties and the Departmental representative for the Principal Accountant General (A&E), West Bengal and considering the facts and circumstances of the case, the application is disposed of by directing the Commandant, Water Wing Civil Defence, West Bengal, the Respondent No. 3 to grant pension and other superannuation benefits to the applicant within fifteen weeks from the date of repayment of the loan by the applicant along with interest as on date on compliance of necessary formalities

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by the applicant. In the event, the applicant fails to repay the loan along with interest within four weeks from the date of obtaining of a copy of this order downloaded from the website of the Tribunal, the respondent no. 3 is at liberty to deduct the same amount from gratuity payable to the applicant and thereafter shall release the pension and other superannuation benefits to the applicant. The application is disposed of.”

From the above order, it is evident that the applicant should repay the loan along with interest. However, it appears that the applicant failed to repay the loan along with interest. The order also had stated, in the event the applicant fails to repay the loan along with interest within four weeks from the date of Tribunal’s order, the Respondent No. 3 was at liberty to deduct the same from his gratuity amount. After such deduction, the respondent was directed to release the pension and other retiral benefits. However, no time limit was fixed by the Tribunal for Respondent No. 3 to deduct the loan from his gratuity and release of the pension.

After considering the above facts, it is the view of this Tribunal that no contempt lies against the respondent for not complying the order of the Tribunal since no time limit was fixed for deduction of the loan from his gratuity amount and payment of pension.

Accordingly, this contempt application is not admissible and not admitted and hence, disposed of.

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SAYEED AHMED BABA
OFFICIATING CHAIRPERSON & MEMBER(A)