

ORDER SHEET
WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present ---
The Hon'ble
&
The Hon'ble

Case No. -Vs- The State of West Bengal & Ors.

Serial No. and Date of order. 1	Order of the Tribunal with signature 2	Office action with date and dated signature of parties when necessary 3

ORDER SHEET

SURAJIT DEY.

Form No.

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Vs.Shri Arnab Roy, IAS , The principal Secretary, Department of Fire & Emergency
Services, Government of W.B.**Case No. CCP 44 of 2017.**

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<p style="text-align: center;">08 22.03.2018</p>	<p>For the Applicant : Shri Prabir Maji, Learned Advocate.</p> <p>For the Contemnor Opposite Party : Shri S.N.Ray, Learned Advocate.</p> <p>The applicant has filed the contempt application praying for issuance of the Contempt Rule against the Contemnor for intentional violation of the order dated December 22, 2016 passed by this Tribunal in OA 961 of 2016.</p> <p>It appears from order dated December 22, 2016 that this Tribunal gave direction to the contemnor to take a decision in respect of prayer of the applicant for compassionate appointment after giving the applicant an opportunity of hearing and to communicate the result of the same to the applicant within a period of six weeks from the date of communication of the order. The Tribunal passed the above order after setting aside the previous order of rejection of prayer of the applicant for compassionate appointment.</p> <p>The contemnor contested the contempt application and submitted a report disclosing the facts how the order of the Tribunal has been complied with. It appears from order dated February 28, 2017 passed by</p>	

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	<p>the contemnor that the contemnor has taken a decision in connection with the prayer of the applicant for compassionate appointment after giving the applicant an opportunity of hearing. The grievance of the applicant is with regard to the manner in which the order has been complied with by the contemnor. Learned. Counsel representing the applicant submits that the contemnor has observed that the case of the applicant cannot be reopened as the case has already been decided on the basis of Notification No. 251-Emp dated February 03, 2013 issued by the Labour Department, Government of West Bengal. Learned Counsel submits that the contemnor cannot observe that the case of the applicant cannot be reopened when the order of rejection of prayer of the applicant for compassionate appointment was set aside by the Tribunal. We are unable to accept the contention made on behalf of the applicant as we are not in a position to go into the legality and validity of the order passed by the contemnor by rejecting the prayer of the applicant for compassionate appointment , when the specific direction of the Tribunal was to take a decision in connection with the application for compassionate appointment of the applicant.</p> <p style="text-align: center;">In view of our above findings, we can not</p>	

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Skg.	<p>persuade ourselves to hold that the contemnor has intentionally violated the order passed by the Tribunal.</p> <p>As a result, the contempt application is dismissed.</p> <p>Let a plain copy of the order be supplied to both parties.</p> <p>(S.K.Das) Member (A)</p> <p>(R.K.BAG) Member(J)</p>	

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<p>Learned Registrar.</p> <p>Sk.</p>		

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