

ORDER SHEET
West Bengal Administrative Tribunal

Present.-
The Hon'ble Justice Ranjit Kumar Bag
&
The Hon'ble Dr. Subesh Kumar Das

Case No.

Versus .

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
<p style="text-align: center;"><u>03</u> 24/07/2018</p>	<p>Case No. CCP – 58 of 2018 : Durga Pada Ghosh Vs. Mr. Anil Verma, I.A.S, the Principal Secretary, Department of Health & Family Welfare, Government of West Bengal & Another. For the Contempt Petitioner : Mr. I. Roy. Mr. K. K. Roy, Learned Advocates.</p> <p>For the Contemnor OP : Mr. G. P. Banerjee, Learned Advocate.</p> <p>Case No. CCP – 59 of 2018 : Utpal Kumar Panda & Others Vs. Mr. Anil Verma, I.A.S, the Principal Secretary, Department of Health & Family Welfare, Government of West Bengal & Another. For the Contempt Petitioners : Mr. I. Roy. Mr. K. K. Roy, Learned Advocates.</p> <p>For the Contemnor OP : Mr. G. P. Banerjee, Learned Advocate.</p> <p>Case No. CCP – 60 of 2018 : Dr. Soumya Kundu & Others. Vs. Mr. Anil Verma, I.A.S, the Principal Secretary, Department of Health & Family Welfare, Government of West Bengal & Another. For the Contempt Petitioners : Mr. I. Roy. Mr. K. K. Roy, Learned Advocates.</p> <p>For the Contemnor OP : Mr. G. P. Banerjee, Learned Advocate.</p>	

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Case No. CCP – 61 of 2018 : Dr. Asis Kumar Ghosh & Others Vs. Mr. Anil Verma, I.A.S, the Principal Secretary, Department of Health & Family Welfare, Government of West Bengal & Another.

For the Contempt Petitioners : Mr. I. Roy.
Mr. K. K. Roy,
Learned Advocates.

For the Contemnor OP : Mr. G. P. Banerjee,
Learned Advocate.

Case No. CCP – 62 of 2018 : Mosiur Rahaman Vs. Mr. Anil Verma, I.A.S, the Principal Secretary, Department of Health & Family Welfare, Government of West Bengal & Another.

For the Contempt Petitioner : Mr. I. Roy.
Mr. K. K. Roy,
Learned Advocates.

For the Contemnor OP : Mr. G. P. Banerjee,
Learned Advocate.

The applicants have prayed for issuance of the Contempt Rule against the contemnors no. 1 & 2 by filing an application under section 17 of the Administrative Tribunals Act, 1985 on the ground that the contemnors have wilfully violated the direction contained in the Judgment and order passed by the Tribunal on June 11, 2018 in OA 260 of 2018 and other connected original

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applications.

It appears from the materials on record that copy of Judgment and order was served on both the contemnors in due course, but the contemnors have not complied with the direction passed by the Tribunal. The applicants have also sent copy of the contempt applications to both the contemnors in compliance with the direction given by the Tribunal on July 13, 2018. It appears from affidavit of service filed by the applicants that contemnor no.2 accepted the notice and copy of the order and copy of contempt applications, while Contemnor No. 1 refused to accept copy of contempt applications and copy of the order passed by the Tribunal. Refusal amounts to good service. So, we are satisfied that the notice and copy of contempt applications have been duly served on the contemnors.

Mr. G. P. Banerjee, Learned Counsel appears on behalf of both the contemnors and submits that the State of West Bengal has already filed a Writ Petition before the Division Bench of the Hon'ble High Court on June 29, 2018, but the Writ Petition has not yet been moved before the Division Bench of the Hon'ble High Court and no stay order has yet been granted by the Hon'ble High Court. Since

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Writ Petition has not yet been moved before the Hon'ble High Court for stay of operation of judgment and order passed by the Tribunal and since the applicants are not able to attend the classes of P.G. Course for not issuing of sponsorship certificate and for not placing them on Trainee Reserve in compliance with the direction of the Tribunal, we are of the view that Contempt Rule should be issued against both the contemnors for wilful violation of the direction of the Tribunal. Accordingly issue Contempt Rule against both the contemnors.

*The Rule is made returnable on **16th August, 2018.***

Prayer for accommodation on behalf of the contemnors for moving the Writ Petition before the Division Bench of the Hon'ble High Court to obtain stay order is refused as the Writ Petition has not been moved even after 17 days from the date of filing of the same. However, liberty is given to the contemnors to pray for recalling the order, if any stay is granted by the Hon'ble High Court.

*Both the contemnors are directed to be present personally before the Tribunal at **11 A.M. on August 16, 2018.***

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*List the matter under the heading “**hearing**”
at the top of the list on August 16, 2018.*

S. K. DAS
MEMBER(A)

R. K. BAG
MEMBER(J)

Rajat

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