

ORDER SHEET
WEST BENGAL ADMINISTRATIVE TRIBUNAL

Present-

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

Case No – **CCP 7 OF 2018** [OA 847 of 2014]

Panchugopal Banerjee Vs Mr. Suresh Kumar, IAS, Principal Secretary, Disaster Management & Home Civil Defence Department, Govt. of W.B.& Anr.

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
04 16.11.2018	<p>For the Petitioner : Mr. N.C. Betal, Learned Advocate.</p> <p>For the Contemnor OP : Mr. G.P. Banerjee, Learned Advocate.</p> <p>The petitioner has prayed for issuance of contempt rule against the contemnors for wilful violation of judgment and order passed by this Tribunal on August 30, 2017 in OA-847 of 2014.</p> <p>It appears from the operative portion of the judgment passed in OA-847 of 2014 that the Tribunal gave direction to the Secretary, Home (Civil Defence) Department, Government of West Bengal to take a decision in the matter of entitlement of pay scale of the petitioner within a period of four weeks from the date of receiving copy of the order. It is relevant to quote paragraph 16 of the judgment which is as follows :</p> <p>“16. The Application now stands allowed. The Secretary, Home (Civil Defence) Department, Government of West Bengal will take a decision in this matter within a period of 4 (four) weeks from the date of receipt of this order. The decision so taken must be communicated to the Applicant within a week thereafter.”</p>	

ORDER SHEET

Panchugopal Banerjee

Form No.

Vs.

Mr. Suresh Kumar, IAS, Principal Secretary, Disaster Management & Home Civil Defence Department, Govt. of W.B.& Anr.

Case No. **CCP 7 of 2018** [OA 847 OF 2014]

By producing a copy of the reasoned order dated May 11, 2018 passed by the Principal Secretary to the Government of West Bengal, Department of Disaster Management and Civil Defence, Learned Counsel for the petitioner contends that the contemnors have wilfully violated the dictum of the Tribunal. By referring to paragraph 15 of the judgment in question, Learned Counsel further contends that the petitioner is entitled to get pay scale of the Constable, but the reasoned order dated May 11, 2018 has specifically turned down the claim of the petitioner to get the pay scale of the Constable and thereby the dictum of the judgment is violated by the contemnors. On the other hand, Mr. G.P. Banerjee, Learned Counsel representing the contemnors, submits that the specific direction of the Tribunal on the Secretary, Department of Home (Civil Defence) was to take a decision in the matter within the stipulated period of time.

Having heard Learned Counsel representing both parties and on consideration of the judgment passed by the Tribunal in OA-847 of 2014, we find that the Hon'ble Members of the Bench have made observation that the petitioner being Agragami is entitled to get pay scale of the Constable. Had it been the intention of the Hon'ble Members of the Bench that the petitioner would be given the pay scale of the Constable of Police, the Hon'ble Members of the Bench would have given specific direction to the Secretary, Department of Home (Civil Defence)

ORDER SHEET

Panchugopal Banerjee

Form No.

Vs.

Mr. Suresh Kumar, IAS, Principal Secretary, Disaster Management & Home Civil Defence Department, Govt. of W.B. & Anr.

Case No. CCP 7 of 2018 [OA 847 OF 2014]

to give the petitioner the pay scale of the Constable without giving direction to take a decision in this matter by the Secretary of the concerned department.

In view of our above findings, we are unable to accept the contention made on behalf of the petitioner that the dictum of the judgment is violated by the contemnor in passing the reasoned order dated May 11, 2018, which is placed on record.

As a result, we cannot persuade ourselves to hold that the contemnors have wilfully violated the judgment and order passed by the Tribunal in OA-847 of 2014. However, the petitioner if aggrieved by the reasoned order dated May 11, 2018, can very well challenge the said order by filing separate original application before the Tribunal.

With the above observation, the contempt application stands **disposed of**.

Let a plain copy of this order be supplied to both parties.

(S.K. DAS)
MEMBER(A)

(R. K. BAG)
MEMBER (J)

Sanjib