

IN THE HIGH COURT AT CALCUTTA
SPECIAL CIVIL JURISDICTION
APPELLATE SIDE

**CPAN 163 of 2022
in
WPA 7595 of 2021**

Sanat Kumar Ghosh & Ors.
Vs.
Rajesh Kumar Sinha & Ors.

Mr. Samiran Mandal
Mr. Abhinaba Dan
... For the applicants/petitioners

Mr. Ayan Banerjee
Ms. Debasree Dhamali
Ms. Riya Ghosh
... For the alleged contemnors/
respondents no.4 and 5

The contempt application arises out of an order dated 13th September, 2021 passed in WPA 7595 of 2021. The operative portion of the said order is as follows:-

“After hearing the parties and considering the materials on record, I find that justice will be sub-served if the respondent nos.1, 2 and 3 are directed to decide on the issue as referred to them by the respondent no.5 by his letter dated 6th August, 2019 within a time-frame by a reasoned order after considering all aspects of the matter as reflected in the letter dated 6th August, 2019 issued by the respondent no.5. The respondent nos.1, 2 and 3, if necessary, may call for further documents from the

respondent nos.4, 5 and 6 for effective adjudication of the issue.

The entire exercise shall be completed by the Competent Authority within a period of four months from the date of communication of this order upon payment of deficit court fees. The respondent nos.1, 2 and 3 immediately upon the decision, vide a reasoned is taken in the matter, shall communicate the same to the respondent no.5 as also to the petitioners.

Parties shall act on a server copy of the order without being insisting upon production of a certified copy thereof.”

The order dated 13th September, 2021 was served on the alleged contemnor/respondent no.1 on 18th September, 2021 and the alleged contemnors/respondents no.2 and 3 on 24th September, 2021. Contempt notice was issued on 18th January, 2022 and were received by the alleged contemnors/respondents no.1, 2 and 3 on 19th January, 2022. The contempt application was filed on 23rd February, 2022. The contempt application was directed to be served by an order dated 1st April, 2022 making the same returnable on 22nd April, 2022.

The matter was adjourned on 22nd April, 2022 as the alleged contemnors/respondents no.1, 2 and 3 remained unrepresented despite service to afford the said alleged contemnors/respondents a further

opportunity to represent before this Court. A direction was also given on 22nd April, 2022 to serve a fresh notice to the alleged contemnors/respondents no.1, 2 and 3. The applicants/petitioners have served a notice dated 22nd April, 2022 to the alleged contemnors/respondents no.1, 2 and 3 which has been duly received on 25th April, 2022 and 26th April, 2022. An affidavit of service filed in this regard by the applicants/petitioners is taken on record. The alleged contemnors/respondents no.1, 2 and 3 remain unrepresented despite service even today. The version of the alleged contemnors/respondents no.1, 2 and 3 is not available to the Court despite the contempt petition being adjourned on 22nd April, 2022.

In such circumstances, I direct issuance of Rule against Rajesh Kumar Sinha, the Principal Secretary, Transport Department, Government of West Bengal, Paribahan Bhawan, 12, R.N. Mukherjee Road, Kolkata-700001; H.K. Dwivedi, the Chief Secretary, Government of West Bengal, having his office at “NABANNA”, 325, Sarat Chatterjee Road, P.O. Shibpur, Howrah – 711102; and, Dr. Manoj Pant, the Principal Secretary, Finance Department, Government of West Bengal, having his office at “NABANNA”, 325, Sarat Chatterjee Road, P.O. Shibpur, Howrah – 711102.

The Rule is made returnable on 20th May, 2022.

The applicants/petitioners are permitted to put in special messenger cost for serving the Rule.

(Arindam Mukherjee, J.)

Rule drawn
in separate
sheets.