

Tion and Another Vs. Samar Ghosh and Anotherconte

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Court : Kolkata

Decided On : Nov-29-2012

Judge : Tapen Sen

Appellant : Tion and Another

Respondent : Samar Ghosh and Anotherconte

Judgement :

ORDER

SHEET GA No.2675 of 2012 In WP No.1630 of 2010 With CC No.28 of 2012 IN THE HIGH COURT AT CALCUTTA Special Jurisdiction (Contempt) THE HIGH COURT EMPLOYEES' WELFARE ASSOCIATION & ANOTHER Petitioners Versus SAMAR GHOSH & ANOTHER Contemnors/Respondent BEFORE: The Hon'ble JUSTICE TAPEN SEN Date :

29. h November, 2012.

For Petitioners For High Court : Mr.P.S.

Sengupta, Sr.Advocate Mr.Soumya Majumdar, Advocate Mr.Alak Kumar Ghosh, Advocate : For Contemnors/Respondents : Mr.Sundarananda Pal, Sr.Advocate Mr.Subrata Talukdar, Advocate The Court : When this matter was called out, the learned Counsel for the State produced, for the perusal of this Court, a Letter sent to the Honble Acting Chief Justice being Letter dated 26.11.2012.

The same is taken on record.

Upon a perusal of the said letter it appears that the Honble Minister in Charge, Department of Finance financial stringency of the Government.

and Excise, has indicated Financial stringency cannot be allowed to be taken as an excuse to deviate from the Judgment as it would frustrate even the recommendations made by the Special Committee.

However, it also appears that an offer has been made indicating that the Government is ready to pay two increments in the form of High Court Allowances along with Dearness Allowance and House Rent Allowance as may be applicable on these two increments.

A request has been made that this should be accepted as a full and final settlement of the Special Pay Commission.

Exercising Contempt Jurisdiction, this Court cannot say as to whether the said offer should be accepted as full and final settlement of the Special Pay Commission or not.

Therefore, it is expedient in the interests of justice to adjourn this matter till the end of March 2013 so as to enable further dialogue in this matter between the Government and the Honble Chief Justice.

The pendency of this Contempt Application or the pendency of the dialogue between the Government and the Honble Chief Justice should not however come in the way of the Government exercising their good-will.

as indicated in the letter of the Honble Minister in Charge, in releasing the two increments with Dearness Allowance and House Rent Allowance referred to in the said letter w.e.f. December, 2012 which however, will be without prejudice to the rights of the parties and shall be subject to whatever Rules that may be framed ultimately.

Let this matter come up in the list on the 3rd of April, 2013 at 2.00 P.M. The aforesaid letter of the Honble Minister in Charge be retained with the records of

this case.

All parties concerned are to act on a signed copy of the minutes of this order on the usual undertakings.

(TAPEN SEN, J.) msen

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