

Court No. 38

30.01.2026

(Item No. 4)

(AB)

In The High Court at Calcutta

Special Civil Jurisdiction

Appellate Side

C.P.A.N. 1058 of 2025

in

W.P.A. 30829 of 2024

Chinmoy Das & Ors.

VS

Tanmay Kanti Panja,

Medical Superintendent-cum-Vice Principal,
Diamond Harbour Govt. Medical College & Hospital,
Diamond Harbour, South 24-Parganas

Mr. Malay Dhar

Mr. Amar Nath Sen

Mr. Shouvik Nashkar

Mr. Priyabrata Saha

.... For the petitioners

Mr. Supriya Chattopadhyay, Ld. AGP

Mr. Suman Dey

.... For the contemnor

Mr. Malay Dhar, learned advocate appears for the
petitioners.

Mr. Suman Dey, learned advocate led by Mr.
Supriya Chattopadhyay, learned Additional
Government Pleader appears for the alleged
contemnor.

Pursuant to the direction made by this Court on
December 12, 2025 Mr. Suman Dey, learned advocate
appearing for the alleged contemnor has filed an
affidavit, the same is taken on record. Copy has been
served upon the petitioners.

This is a contempt proceeding arising from an
order dated **April 22, 2025**.

By the said order dated **April 22, 2025** this
Court has disposed of the relevant writ petition with
the following observations and findings:

*“In view of the above, the petitioners shall serve a copy of the writ petition along with a copy of the order dated **March 26, 2025** and a copy of today’s order upon the respondent no. 5 forthwith.*

*The last order dated **March 26, 2025** refers to a Memo bearing no. **CMOH (SPC) /1330** dated **February 18, 2025**. Today also learned Additional Government Pleader, in his usual fairness, submits that the authority shall consider the case of the petitioners in the light of the above memo.*

Petitioners further submit that similarly placed persons have already received the benefits under the said memo and their salaries are being regularly paid by crediting their individual bank accounts.

*In view of the above, the respondent no. 5 after issuing a prior hearing notice of **at least seven days** to the petitioners and their learned advocate on record shall decide the issue by passing a reasoned order, in accordance with law, after granting an opportunity of hearing to the petitioners and their learned advocate on record as their authorized representative.*

*It is needless to mention that the respondent no. 5 shall consider the said memo dated **February 18, 2025**.*

In the event, it is found from records that similarly placed candidates have been paid with their salaries and have been receiving their salaries by crediting their individual bank accounts, these petitioners shall also get the identical benefits without any contrary view.

In the event, it is also found that arrear salaries are to be paid the same shall also be paid to the petitioners.

*The entire exercise shall be carried out and completed by the respondent no. 5 positively within a period of **four weeks** from the date of communication of this order and the reasoned order shall be communicated to the petitioners and the learned advocate on record within a further period of **one week** from the date of the said reasoned order to be passed.*

*In the event, the reasoned order goes in favour of the petitioner then all necessary payments including the arrears shall be paid by crediting the individual bank accounts of the petitioners positively within a period of **three weeks** from the date of the said reasoned order to be passed, by the appropriate authority.*

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

*With the above observations and directions, this writ petition, **WPA 30829 of 2024** stands **disposed of**, without any order as to costs.”*

Pursuant to the said direction, the alleged contemnor has passed its reasoned order dated **June 3, 2025** at **page 14** to the affidavit of compliance affirmed on August 28, 2025.

From the reasoned order it appears that the alleged contemnor has rejected the plea for direct payment claimed by the petitioners principally on the

ground, *inter alia*, that it is clear from the said circular dated **February 18, 2025** which is not legally permissible as well as in question of sustainability or existence of such impugned order on the day when the reasoned order was passed, as would be evident from internal **page 4** of the reasoned order.

In support of the impugned order the alleged contemnor has made statements in its compliance affidavit affirmed on August 28, 2025, which is quoted below:

“4 (f) it is to be stated that the Honn’ble Court by passing the solemn order dated 22nd April, 2025 was pleased to direct the respondent no. 5 to consider the Memo dated February 18, 2025 bearing No. CMOH (SPG)/1330. The alleged contemnor taken into account the same, however, the alleged contemnor was legally bound to follow the relevant orders of the higher authority. Moreover, before the hearing took place on 21st May, 2025 and the reasoned order was passed by the alleged contemnor in compliance of the solemn order dated 22nd April, 2025, the Chief Medical Officer (Health), South 24-Parganas by another Memo No. CMOH (SPG)/3469 dated 5th May, 2025 passed another order to the Superintendent of Bagajatin/Vidyasagar/Vijaygarh State General Hospital in continuation of the previous memo no. CMOH(SPG)/1330 dated 18.02.2025, regarding the disbursement of salary or payment of wages to security personnel to the effect that the salary or payment of

wages is not to be made directly to them until further instruction with immediate effect.

Copy of the aforesaid Memo dated 5th May, 2025 is annexed hereto and marked with the letter "A/4".

Annexure A-4 as referred to above in the quoted paragraph being a memo dated **May 5, 2025** at **page 30** to the said affidavit of compliance is admittedly a memo issued **subsequent** to the order dated **April 22, 2025** passed by this Court.

The law is well settled that, a contempt proceeding from an order has to be adjudicated on the basis of the order of which contempt is alleged. Admittedly, the order was passed on **April 22, 2025** when the said memo dated **May 5, 2025** was not in existence. Therefore, whether a contempt has been committed or not has to be decided as on the available materials as on April 22, 2025, when the order was passed.

The order dated **April 22, 2025** was not challenged in any manner and no appeal was carried out from there.

The subsequent affidavit affirmed by the alleged contemnor on **January 7, 2026** filed today in Court, would show that heath district initially was one South 24 Parganas and thereafter **Diamond Harbour** has been segregated as an independent health district with effect from **2012**. The record shows even thereafter till February 2021 payment was made to the petitioners and/or similarly placed persons

directly to them by crediting their individual bank accounts. Subsequently, the payment was stopped when a writ petition was filed by several persons and then by virtue of the direction of the co-ordinate bench the payment was again resumed and was paid to the petitioners and/or similarly placed persons directly to their bank accounts by crediting their individual bank accounts and such arrangement had continued till **August 2023**.

On a close reading of the order dated **April 22, 2025** it also appears to this Court that, this Court has specifically directed to consider the case of the petitioners by considering the said memo dated **February 18, 2025** and in the event it is found from records that similarly placed candidates have been paid with their salaries and have been receiving their salaries by crediting their individual bank accounts, the petitioners shall also get the identical benefits. It was also directed by this Court that in the event, if it is found that the arrear salaries are to be paid, the same shall also be paid to the petitioners directly.

After considering the submissions made on behalf of the parties and on perusal of the materials on record, this Court is of the firm view that, ***prima facie*** it appears that, the direction of this Court dated **April 22, 2025** has not been complied with by the alleged contemnor. The alleged contemnor while considering the case of the petitioners should have

considered and decided the issue on the basis of the memo dated **February 18, 2025** keeping in mind that if it is found from records that similarly placed candidates have been paid directly, these petitioners should also be paid directly by crediting their bank accounts. The subsequent memo dated **May 5, 2025** could not and should not have been taken into consideration.

In view of the foregoing reasons and discussions, there shall be **Rule** to be issued upon the alleged contemnor.

The Rule shall be drawn up and served expeditiously upon the alleged contemnor.

However, if the unpaid salaries along with the other admissible benefits with the arrear, if any, since **September 2023 till May 4, 2025** is released and paid directly to the petitioners by crediting their individual bank accounts within a period of **six weeks** from date, the **Rule** shall be kept in **abeyance**, otherwise the Rule shall remain in force.

The **Rule** is made returnable and the matter shall appear under the heading **“Contempt Application”** on **April 17, 2026**.

(Aniruddha Roy, J.)