

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).20659/2009

(From the judgement and order dated 03/04/2009 in CPAN No.
38/2009 & ASTA No. 117/2008 & AST No. 1705/2008 of The HIGH
COURT OF CALCUTTA)

BIJAY SANKAR NANDY

Petitioner(s)

VERSUS

RAM GOPAL BISWAS & ORS.

Respondent(s)

Date: 05/01/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE ASOK KUMAR GANGULYFor Petitioner(s) Mr. V.K. Viswanathan, Sr. Adv.
Ms. Anjudita Gupta, Adv.
Mr. Rajesh Srivastava, Adv.
Mr. Raghavendra Pratap Singh, Adv.For Respondent(s) Mr. Nagendra Rai, Sr. Adv.
Mr. Manu Mridul, Adv.
Mr. Abhijit Sengupta, Adv.
Ms. M. Indrani, Adv.
Ms. Rajshree Reddy, Adv.
Mr. Tara Chandra Sharma ,AdvUPON hearing counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

(Neetu Khajuria)
Sr.P.A.(Mithlesh Gupta)
Court Master

(Signed Order is placed on the file.)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTIONCIVIL APPEAL NO. 405 OF 2010
@ Special Leave Petition (C) No.20659/2009

BIJAY SANKAR NANDY

Petitioner(s)

VERSUS

O R D E R

Leave granted.

This is an appeal for setting aside order dated 3.4.2009 passed by the Division Bench of Calcutta High Court in CPAN No.38/2009 in AST No.1705/2008 insofar as the appellant's appointment for the Sub-Centre at Amtala, Nowda has been quashed.

We have heard learned counsel for the parties and perused the record. It is not in dispute that the impugned order was passed by the High Court without ordering impleadment of the appellant as party to the contempt proceedings and without giving him opportunity of hearing. This being the position, there is no escape from the conclusion that the impugned order is vitiated due to violation of rules of natural justice insofar as it affects the appellant.

Accordingly, the appeal is allowed and the following portion of the impugned order of the High Court is set aside:

"For the aforementioned reasons, appointment made by the contemnors for the Sub-Centre at Amtala, Nowda cannot be sustained since the same was made by the M.R. Distributor outside the Berhampore Sub Division, Food and Supply and such appointment, therefore, stands quashed."

Needless to say that this order shall not prejudice the parties in the contempt proceedings pending before the High Court.

.....J.
(G.S. Singhvi)

.....J.
(Asok Kumar Ganguly)

New Delhi,
05th January, 2010.