

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

CONTEMPT PETITION (C) NO. 399-402/2003 IN Appeal Civil 4420-4423/1999

PANTHA CHATTERJEE & ORS. Petitioner(s)

VERSUS

AMIT KHAN DEB & ORS. Respondent(s)

WITH

I.A.Nos.24-35 IN CA.Nos.4420-4423/1999

(For clarification, modification and directions and with Office Report)

Date: 11/10/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL

HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

For Petitioner(s)Mr. Sanjeev Sen, Adv.

Mr. S. Sukumaran, adv.

Mr. A. Deb Kumar, adv.

Mr. Ramesh Babu M.R.,Adv.

Mr. TC. Ray, Sr.Adv.

Mr. HK. Puri, Adv.

Mr. Ujjwal Banerjee, Adv.

Mr. SK. Puri, Adv.

Mr. Shiv Gupta, Adv.

For Respondent(s)Mr. Rana Mukherjee, Adv.

Mr. Siddharth Gautam, Adv.

Mr. Goodwill Indeevar, Adv.

Mr. A. Sharan, ASG.

Mr. SWA. Qadri, Adv.

Ms. Sushma Suri, adv.

Mr. P. Parmeswaran, adv.

UPON hearing counsel the Court made the following

O R D E R

More than a year ago i.e. on 7th July, 2003, this Court, while deciding C.A.Nos. 4420-4423 of 1999 made specific directions to the following effect:

(1)The State Government shall carry out order passed by the High Court and clear all the consequential monetary benefits to the writ petitioners-respondents within a period of 3 months from today with statement of account to be forwarded to the Central Government for reimbursement ;

(2)The Central Government within two months of the receipt of the said reimbursement statement shall reimburse the amount to the State of West Bengal;

(3) In case there is any dispute or confusion in regard to the actual amount payable on account of reimbursement or otherwise, the same shall be sorted out between the State of West Bengal and the Central Government at the earliest but that would not be cause of delay in payment as indicated above;

(4) That there shall be no delay in payment to be made as scheduled above by the State of West Bengal to the petitioners nor by the Central Government to the State of West Bengal on account of reimbursement which may be subject to final settlement; in case of any dispute or doubt about the same, to be sorted out sooner or later between them.

Three months time fixed as aforesaid was extended from time to time. As of now more than one year has passed and going by the time fixed in the original judgment, directions should have been complied with in the last October. Clearly the directions in the judgment dated 7th July, 2003 have not been fully complied with. Instead, a letter has been circulated seeking adjournment for four weeks and an application has also been filed for issue of directions to the Central Government to release a sum of Rs. 38 crores so as to enable the applicant - State of West Bengal to pay the arrears of the Border Wing Home Guards. To say the least, the application is misguided and misplaced. This Court is not concerned with the matters between the State Government and the Central Government as also the inter-department problem, if any, of the State Government. We see no justification for non-compliance of the order. The Finance Secretary of the State Government is present in person. Instead of passing any stringent orders on the contempt petitions today, we direct the State Government to fully comply with the directions of this Court as contained in the aforesaid judgment within a period of three weeks and report compliance or else the Finance Secretary, Secretary Civil Defence of the State and the Chief Secretary shall remain present in Court on the next date of hearing to receive orders on the contempt petitions.

Call the matters on 1st November, 2004.

(S. Thapar)
PS to Registrar

(V.P. Tyagi)
Court Master