

**CONSTITUTIONAL WRIT**

**PRESENT: The Hon'ble Justice Pranab Kumar Chattopadhyay**

**And**

**The Hon'ble Justice Pranab Kumar Deb**

**CO.ST 1 of 2010.**

**Judgment On: 5.4.2010**

**POINTS:**

**CONTEMPT**-Petitioner occupying one room of the animal house-  
Petitioner not entitled to occupy any quarter-Learned Tribunal,  
whether justified to hold that the authorities had no intention to flout  
the order passed by the learned Tribunal and, dismiss the contempt  
application-Constitution of India, Art 226

**FACTS:**

The petitioner is occupying one room of the animal house when he is  
not entitled to occupy any quarter. In any event, animal house cannot  
be occupied by an employee. This writ petition has been filed  
challenging the order passed by the learned West Bengal  
Administrative Tribunal wherein the learned Tribunal dismissed the  
aforesaid contempt application upon observing that the said  
application is not at all maintainable.

**HELD:**

The grievances of the petitioner were considered by the learned  
Tribunal as well as by this Court on the earlier occasions and at no

point of time the employee concerned was able to establish his right to occupy the said animal house. The learned Tribunal upon considering the relevant records held that the authorities had no intention to flout the order passed by the learned Tribunal and accordingly, dismissed the contempt application. Para-3

Mr. Surajit Samanta,  
Mr. Biswajit Samanta,  
Mr. Debojit Samanta.

...For the Petitioner.

Mr. Prasenjit Basu,  
Mr. Subrata Banerjee.

...For the State.

**THE COURT:**

1) This writ petition has been filed challenging the order dated 5<sup>th</sup> March, 2010 passed by the learned West Bengal Administrative Tribunal in Civil Contempt Petition No.24 of 2004 arising out of original application No.872 of 2003 whereby and whereunder the learned Tribunal dismissed the aforesaid contempt application upon observing that the said application is not at all maintainable.

2) Going through the records, we find that the petitioner herein is occupying one room of the animal house and the said petitioner is undisputedly not entitled to occupy any quarter. In any event, animal house cannot be occupied by an employee.

3) The grievances of the petitioner were considered by the learned Tribunal as well as by this Court on the earlier occasions and at no point of time, the employee concerned was able to establish his right to occupy the said animal house. The learned Tribunal upon considering the relevant records held that the authorities had no intention to flout the order passed by the learned Tribunal and accordingly, dismissed the contempt application.

4) We do not find any error and/or infirmity in the decision of the learned Tribunal and, therefore, we dismiss this writ petition as we do not find any merit in the same.

5) It has been submitted before us that the son of the petitioner is appearing at the Higher Secondary Examination and the learned Advocate representing the petitioner now undertakes before this Court on behalf of his client that the said petitioner will leave the occupied room of the animal house if some breathing time is granted.

6) Considering the aforesaid submissions, we direct the respondent authorities not to evict the petitioner from the occupied room in question till 31<sup>st</sup> May, 2010.

7) Let it also be on record that we have not decided any other issue and all other issues are left open for adjudication by the appropriate forum in future, if necessary.

8) Supplementary affidavit filed in Court today by the petitioner be kept on record.

9) There will be no order as to costs.

10) Urgent xerox certified copy of this order, if applied for, shall be given to the appearing parties, as early as possible.

(Pranab Kumar Chattopadhyay, J.)

(Pranab Kumar Deb, J.)