

## **Contempt Petition No.191 of 2018**

(Arising out of W.P. No.7498 of 2014)

**24.01.2024**

Mr. DKM Ali, Advocate...for the applicants

No one appears for the contemnor-respondents

This is an application for personal appearance of contemnor 8.

The facts leading to disposal of this application, in brief, are that contempt-petitioners as applicants filed applications to the concerned railway authority in 2014 to get appointment in the post of waymen. They appeared in the written test and viva voce examination and was selected finally for the posts. Subsequently, when the concerned authority was not giving them appointment they filed Writ Petition No.7498 of 2014 in this Court and Rule was issued calling upon the respondents to show cause as to why they should not be directed to finalize the appointment procedure of the petitioners as per the recommendation of the selection committee.

During pending of the said writ petition, the petitioners filed an application for injunction restraining the respondents from giving appointment outside the final list of candidates. Upon such application a bench of this Division directed the respondents to keep 11 posts vacant for the petitioners. However, subsequently the Rule was disposed of by this Division on 24.10.2017 and the respondents were directed to finalize the appointment procedure of the waymen in accordance with law.

Thereafter, the petitioners filed applications to the concerned authority for their appointment but the respondents did not respond to those. Finding no other alternative the petitioners filed the above Contempt Petition No.191 of 2018 and a bench of this Division issued Rule upon the contemnors to show cause as to why a proceeding for contempt of Court shall not be drawn up against them for non-compliance of the judgment and order passed by this Division in the aforesaid writ petition and why they will not be punished for committing contempt of Court. Notices of the Rule have been served upon the respondents but respondent 8 did not appear. The applicants finding no other alternative has filed this application for his personal appearance.

Mr. AKM Ali, learned Advocate for the applicants takes us through the application for personal appearance of contemnor-respondent 8 Ashim Kumar Talukder, General Manager (West), Bangladesh Railway, Rail Bhaban, Rajshahi and submits that after disposal of the writ petition the petitioners sent notices upon the contemnors on several occasions. Lastly they sent a notice to contemnor on 05.11.2023 and requested him to implement the judgment and order passed in the aforesaid writ petition within 7 days. Mr. Ali also pointed us the

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legal opinion of the contemnors' appointed Advocate where opinion was given to implement the judgment and order passed by this Court. Mr. Ali then submits that contemnor-respondent 8 is willfully violating this Court's order and not implementing the order passed in the aforesaid writ petition. He finally prays for his personal appearance in this Court.

No one appears to oppose the application. Although, the notice of order dated 28.11.2023 passed by this Court has been served upon contemnor 8.

Considering the aforesaid facts as stated in the application and the submission of the learned Advocate for the contempt-petitioners, we find merit in this application. We find it necessary to call respondent 8 to appear before this Court to explain his position.

Therefore, contemnor-respondent 8 Ashim Kumar Talukder, General Manager (West), Bangladesh Railway, Rail Bhaban, Rajshahi is directed to appear before this Court in person at about 10.30 am on 28.02.2024 to explain the reason that prevented him from complying with the judgment and order dated 24.10.2017 passed by the High Court Division in Writ Petition No.7498 of 2014 failing which the law will take its own course.

The office is directed to serve notice upon contemnor-respondent 8 with special messenger at the cost of the petitioners.