

HIGH COURT OF TRIPURA
AGARTALA

CONT CAS(C) 143 OF 2023

Nakul Deb & Ors.

Vrs.

Mr. Satyendra Singh, Chairman, Tripura Gramin Bank & Ors.

For the petitioner(s) : Mr. P. Roy Barman, Sr. counsel.
Mr. S. Bhattacharjee, Advocate.

For the respondent- : Mr. A. Roy Barman, Advocate.
contemnors(s) Mr. Puspall Chakraborty, Advocate
Mr. Saptarshi Mukherjee, Advocate.

HON'BLE MR. JUSTICE ARINDAM LODH

12.12.2023

Order

Heard Mr. P. Roy Barman, learned senior counsel assisted by Mr. S. Bhattacharjee, learned counsel appearing for the petitioners.

The present contempt petition has been filed by the petitioners for alleged willful disobedience of the Court's order dated 22.08.2022, passed in WP(C) 321 of 2020 [Annexure-1 to the contempt petition] and the order dated 08.12.2022, passed by the Hon'ble Division Bench of this Court in WA 156 of 2022 [Annexure-2 to the contempt petition].

I have heard Mr. A. Roy Barman, Mr. Puspall Chakraborty and Mr. Saptarshi Mukherjee, learned counsel appearing for the respondent-contemnors, Tripura Gramin Bank.

By order dated 22.08.2022, this Court had passed the following order, which reads thus:

"It is settled principle that Court cannot direct an organisation to regularize the service of its employees who are engaged contrary to prevalent recruitment rule or without following the normal rule of public employment. However, considering the fact that the petitioners have been serving under the respondent-Bank for the last several years, I direct the respondents including the respondent-Bank to consider for formulation of a scheme keeping in mind the existing Service Rule as applicable to its employees so that the services of the petitioners can be considered for regularization within a reasonable period. It is further directed to consider the prayer of the petitioners for providing pay scale at the lowest stage of the scale prescribed for Group-D employees of the bank."

Being aggrieved of this order, the respondent-contemnors have preferred an intra-court appeal before the Division Bench of this Court. While disposing of the appeal, the Division Bench had observed thus:

“After hearing the parties this court is of the opinion that the appellant bank shall consider the case of the respondents for complying the orders passed by the learned Single Judge. However, we make it clear that the orders are not compulsory in nature but the appellant bank shall take pragmatic approach for the purpose of considering the case of the private respondents as per their procedure.”

In view of the aforesaid orders, the respondent-contemnors had taken up the matter with higher authority and also had taken into account of the rules/regulations prescribed by the Central Government and NABARD. They found that it was not possible to implement the order as passed by the Single Bench of this Court because rule does not permit them for such implementation. However, in my opinion, taking a pragmatic view the respondent-contemnors have enhanced the wages of the petitioners from Rs.400/- to Rs.494/- in the line of the Central Govt. Scheme for such purpose.

Learned counsel appearing for the respondent-contemnors have also placed before this Court a communication dated 01.12.2023 wherefrom it is revealed that the contemnors had thoroughly examined the matter for compliance of the order of this Court following various Rules and Acts applicable to Tripura Gramin Bank. The Division Bench of this Court had categorically observed that the order passed by the Single Bench was not compulsory in nature and the appellant had to take the pragmatic view as per established procedure applicable to the bank. The language used by the Division Bench that “as per their procedure” bears enough significance. “As per their procedure” means in consonance with the legal provisions laid down in the Acts/Rules/Regulations applicable to the bank for consideration of the implementation of the directions passed by this Court.

Mr. A. Roy Barman, learned counsel for the respondent-contemnors further submits that there is no Group-D Posts under the Tripura Gramin Bank as per Rules/Regulations.

In view of this, I do not find any cogent grounds to initiate contempt of Courts proceeding against the respondent-contemnors.

Accordingly, the contempt application stands dismissed.

JUDGE