

20<sup>th</sup> December,  
2021  
(AK)  
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**CRC 11 of 2021**  
**CPAN 368 of 2021**  
**IA No: CAN 1 of 2021**

Contractors' Workers Union of BSNL (Calcutta Telephone)  
and another  
Vs.  
Dr. Tapas Kr. Panda and others

**With**  
**MAT 122 of 2021**  
**IA No: CAN 1 of 2021**

Contractors' Workers Union of BSNL (Calcutta Telephone)  
and another  
Vs.  
Union of India and others

Mr. Dibyendu Chatterjee  
Ms. Piyali Paul  
...for the appellants.

Ms. Reshmi Ghosh  
Mr. Soumya Sankar  
...for the alleged contemnor no.2 & 3.

Learned counsel for the applicants contends that the alleged contemnors have squarely violated the Division Bench order of this court dated March 4, 2021 passed in MAT 122 of 2021 (with IA No: CAN 1 of 2021).

It is contended that, subsequent to the said order, the alleged contemnors have taken steps for inducting further contract labourers.

Learned counsel appearing for the alleged contemnors places reliance on the contempt application itself to indicate that the alleged act of giving appointment to further contractual labour is not covered and does not

have any nexus with the tenor of the order under contempt.

It is submitted that, in no manner can it be construed that giving further appointments to contract labour is in violation of the stay order.

Upon hearing learned counsel for both the parties, a scrutiny of the order under contempt reveals that, by the said order, the Division Bench was pleased to stay the order dated September 30, 2019 in respect of entries 3 and 4 thereof.

The said order dated September 30, 2019 appears at page-23 of the contempt application. It is revealed that Clauses 3 and 4 thereof clearly provide for the cleaning/sweeping works not to be more than three hours per working day and in accordance with GeM portal rates and for the removal of security personnel immediately and their replacement by BSNL staff by relocation, respectively.

As such, as an effect of stay of operation of the said portion of the order dated September 30, 2019, at the ground level, the restriction as to making the cleaning/sweeping worker's work more than three hours per day could not be implemented. Secondly, the security personnel could not be removed and replaced by BSNL staff by relocation immediately.

Neither of the said alleged contumacious acts have been committed by the alleged contemnors. It is clear from the records that the act of giving further

appointments to contractual labour even for the purposes covered by items 3 and 4 of the order dated September 30, 2019 does not and cannot have any nexus with and/or bearing upon the stay order passed by the Division Bench.

As such, on the face of the records, no contumacious act was committed by the alleged contemnors.

Hence, CPAN 368 of 2021 is dismissed on contest without any order as to costs.

Learned Advocates for the parties are given the liberty to mention for enlistment of the main writ petition before the appropriate Bench taking up such matters.

**(Sabyasachi Bhattacharyya, J.)**

**(Suvra Ghosh, J.)**