

18 & 19  
05.03.2021  
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**CPAN 356 of 2020**  
**with**  
**FMA 635 of 2019**  
**with**  
**CAN 1 of 2020 (old CAN 3845 of 2020)**  
**(Sri Sujan Roy Vs. Uttarbanga Kshetriya Gramin Bank & Ors.)**

(Through Video Conference)

**Mr. Ranjan Kali**  
**Mr. K. M. Hossain**

**.....For the petitioner**

**Mr. Chitra Bhanu Gupta**

**.....For the alleged contemnors**

Mr. Gurinder Singh Bedi, the alleged contemnor is personally present in Court with the affidavit of compliance.

The contempt petition has been filed in view of alleged non-compliance of the order dated 12<sup>th</sup> February, 2020 where while disposing of the appeal by a direction upon the appellate authority to dispose of the appeal, we observed that the appellate authority shall release the admissible retiral dues of the writ petitioner pending disposal of the appeal. We have been informed that the appeal has been disposed of.

The alleged contemnor has filed an affidavit in which he has explained what would be the admissible retiral dues payable to the writ petitioner in paragraph 1(A) to (G). It appears that most of the payments have been paid prior to November, 2020. The alleged contemnor has relied upon the relevant rules and circulars in justification of the amounts representing the admissible retiral dues.

In this contempt jurisdiction, we are not going to decide on the merits of the admissible retiral dues

assessed by the authorities concerned and it may give a fresh cause of action in the writ petition.

Moreover, as on date the final order has been passed by the appellate authority. The claim of the writ petition would depend upon final order that is passed by the appellate authority in terms of our earlier direction. That order is also to be taken into consideration in deciding the retiral benefit of the writ petitioner.

The order passed by the appellate authority is under challenge. The retiral benefits of the writ petitioner by and large depend upon the merits of the order passed by the appellate authority which is under consideration in a pending writ petition.

We make it clear that we have not decided as to whether the amount released by the alleged contemnor towards admissible retiral dues is final. There is a change of circumstances now in view of the order passed by the appellate authority.

In view thereof, this contempt application is disposed of without any further order.

Personal appearance of the alleged contemnor is dispensed with.

The entitlement of the writ petitioner as to the retiral benefits has not been gone into in this proceeding.

**(Saugata Bhattacharyya, J.)**

**(Soumen Sen, J.)**