

17.12.2021.
p.b.
Sl. No.1.

W.P.A. 10717 of 2015
With
CPAN 404 of 2020
CAN 1 of 2020
CAN 5480 of 2020

(Through Video Conference)

Debdas Saha
Vs.
Shri Subrata Gupta & Ors.

Mr. Arunava Ghosh,
Mr. Dwaipayan Sengupta,
Mr. Ravi Kr. Dubey,
Ms. Pranati Das.

.....for the petitioner.

Mr. Dipankar Mandal,
Mr. Abdul A. Mondal,

.....for Contemnor No.3.

Mr. T. M. Siddiqui,
Mr. N. Chatterjee.

.....for Contemnor No.1 & 2.

Heard learned advocates appearing for the parties.

This contempt application has been filed by the petitioner against the alleged violation of my order dated 15th November, 2019.

Learned advocates appearing for the alleged contemnor submit that during pendency of this contempt application and pursuant to my further order in the contempt application, alleged contemnors have complied my order dated 15th November, 2019 and report of such compliance has been filed by way of affidavit before this Court.

Learned advocate appearing for the petitioner submits that there is no full compliance of my aforesaid order. In my order dated 15th November, 2019, I had directed the respondents to grant post-facto approval to the appointment of the petitioner from the date of his absorption in the respondent municipality in the sanctioned post as a Ledger Clerk which has been complied with and the petitioner does not deny these facts. By my aforesaid order, I had also directed the respondents to pay all the post-retiral benefits of the petitioner including the pension to the petitioner as a permanent employee of the respondent municipality. This part of the order of making payment of all retiral benefits has also been complied with according to the alleged contemnor and pension has also been paid to the petitioner. Scope of interference in contempt proceeding is very limited and it is settled principle that once in compliance of the order if the authority takes action and implements the order and the petitioner is not satisfied with such compliance, it gives rise to a fresh cause of action. Here in this case, petitioner is not satisfied with the mode of computation for the arrears which is beyond the scope of the Court sitting in the contempt jurisdiction. If the petitioner is aggrieved at all, it gives rise to a fresh cause of action before an appropriate forum. In view of these facts, I am of the view

that there is no scope of passing any further order in this contempt proceeding and it has to be dropped.

In view of the discussions and observations made above, this contempt application being CPAN 404 of 2020 is disposed and all the related CAN applications are also disposed of.

(Md. Nizamuddin, J.)