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ORDER SHEET

CC No.46 of 2019

With

WPO/25/2019

IN THE HIGH COURT AT CALCUTTA

Special Jurisdiction [Contempt]

ORIGINAL SIDE

SRI GOUR CHANDRA MITRA

VS

SRI MANOJ BAG, SENIOR ASSISTANT

FINANCIAL ADVISOR (PENSION) & ORS.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date: 18th August, 2021.

Appearance:

Ms. Nilanjana Adhya, Adv.

Mr. Abhishek Agarwal, Adv.

..for the Petitioner.

Mr. Amajit De, Adv.

..for the Contemnor/Respondent no.1.

Mr. Suchayan Banerjee, Adv.

Ms. Sharmistha Laha, Adv.

..for the Contemnor/Respondent no.2.

Ms. Moumita Ghosh, Adv.

..for the Contemnor/Respondent no.3.

The Court:- The instant contempt application was filed by the petitioner alleging violation of the direction passed in the order dated 19th June, 2019. By the said order the respondent bank was directed to verify and ensure that payment in accordance with the calculation sheet is disbursed in favour of the petitioner. If, after verification, it appears that any amount is due and payable, the bank will take necessary steps to disburse the same in favour of the petitioner.

The contempt application was taken up for consideration by the Court on several occasions. Affidavits and supplementary affidavits have been filed by the parties.

It is the specific stand of the employer Eastern Railways and the bank as well as the Centralised Pension Processing Center that all the amount which was due and payable to the petitioner has been paid. Calculation sheets have been annexed to the affidavits to show that a sum of Rs.7,21,166/= (Rs. Seven Lakh Twenty-one Thousand One Hundred and Sixty-six only) have been paid to the petitioner. It is the specific contention of the contemnors/respondents that no further amount is due and payable to the petitioner.

The learned advocate for the petitioner disputes the amount that has been paid to the petitioner.

I am afraid that the same cannot be looked into by the Court in the contempt jurisdiction. I am satisfied that there is no deliberate, willful or intentional violation of the direction passed in the order dated 19th June, 2019.

In view of the above, the contempt application being CC No.46 of 2019 stands disposed of.

In the event the petitioner is aggrieved by the calculation according to which dues of the petitioner have been cleared, the petitioner shall be entitled to approach the appropriate forum for relief.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(AMRITA SINHA, J.)