

22.07.2022
DL-2
(PP)

IN THE HIGH COURT AT CALCUTTA
SPECIAL CIVIL JURISDICTION
APPELLATE SIDE

WPCRC 108 of 2022
in
WPA 935 of 2022

Bishwajyoti Roy
Vs.
Raj Kishore Sahoo

Mr. Arijit Majumdar
....for the applicant/petitioner.

Mr. Baidurya Ghosal,
....for the contemnor/respondent.

The contempt application was filed on 13th April, 2022 alleging violation of the order dated 16th February, 2022 passed in WPA 935 of 2022. The operative portion of the said order is as follows:-

“After hearing the parties and considering the materials on record I find that justice will be sub-served if I direct the respondent no. 3, being the General Manager (HR) Bangiya Gramin Bikash Bank, to consider the petitioner’s prayer for voluntary retirement afresh on affording the petitioner an opportunity to produce the medical documents and certificates in support of his ailment. The petitioner shall produce all medical documents and certificates to respondent no. 3 with a fortnight from date. The respondent no. 3 shall pass a reasoned order after considering the petitioner’s case on the basis of the documents that may be produced by him within a period of six weeks from the date of communication of a server copy of the instant order without insisting upon production of a certified copy thereof. The reasoned order that may be passed shall be communicated to the petitioner within 10 days from the date of passing of this order.

The respondent no. 3 shall be free to take an independent decision without being influenced in any manner by any observation in the instant order since I have not gone into the merits of the writ petition.”

The order remained uncomplied till 24th June, 2022 and as such, Rule was issued against Raj Kishore Sahoo, the General Manager (HR) Bangiya Gramin Bikash Bank (in short BGBB). The said Raj Kishore Sahoo is personally present in Court today.

On behalf of BGBB, a letter dated 14th July, 2022 and an affidavit of compliance affirmed by said Raj Kishore Sahoo on 21st July, 2022 are filed in Court today which are taken on record. A copy of the affidavit of compliance has been served on the learned advocate for the petitioner in course of hearing.

After going through the affidavit and the letter dated 14th July, 2022, it appears that though at a belated stage but the order in contempt has been complied with.

The petitioner, however, says that the compliance is not in accordance with the direction given in the order dated 16th February, 2022 and as such, should not be construed as compliance of the order in contempt in its true spirit.

However, in contempt jurisdiction I cannot enter into the merits of the order passed by the competent

authority of BGBB in compliance of the order dated 16th February, 2022. The petitioner has to assail such order in an appropriate proceeding, if permissible in law. Inasmuch as the order has been complied with, though at a belated stage, I drop the contempt proceedings with a caution to Raj Kishore Sahoo, the alleged contemnor for delay in complying with the order.

The contempt application is accordingly disposed of. Rule stands discharged.

(Arindam Mukherjee, J.)