

01 21.09.22

Ct. No. 04

Akd

CRC 16 of 2018

In

FMA 3516 of 2014

**The All West Bengal Sales Representatives' Union
Vs.
Asit Kumar Roy**

Mr. R. Guha Thakurta.

... for the applicant.

Mr. Pradip Kumar Tarafder.

... for the alleged contemnor.

The instant contempt application arises out of an order dated August 2, 2018 passed by a Co-ordinate Bench of this Court in which one of us (Shampa Sarkar, J.) was a party, in FMA 3516 of 2014. The said Division Bench had directed the respondent-company to release the amount equivalent to full wages on last pay drawn by the appellant in favour of him in terms of the award dated July 21, 1998 up to the month of July, 2018 and to continue to make such payment till the disposal of the writ petition. Such payment was directed to be made within a period of eight weeks from the date of the order.

The order was challenged by the alleged contemnor before the Hon'ble Apex Court. The Special Leave Petition was dismissed granting liberty to the Company to approach the Division Bench by filing an application for clarification. The application for clarification was taken out and the same was dismissed by another Co-ordinate Bench, in which one of us (Shampa Sarkar, J.) was a party, by an order dated March 1, 2019.

Against the order of dismissal of the application for review/clarification another Special Leave Petition was filed and the same was dismissed on September 27, 2021.

Thereafter the payment as directed by the Co-

ordinate Bench in FMA 3516 of 2014 was released and the order dated August 2, 2018 has been complied with.

Though the applicant/petitioner does not dispute the factum of payment and compliance of the order of the Division Bench, but it is only alleged that the compliance has been made belatedly.

Having perused the documents and having found that the delay in complying with the order occurred due to the proceedings initiated by the alleged contemnor before this Court as well as the Supreme Court, this Bench is not inclined to keep the contempt application pending for further determination.

The contempt application is thus dismissed.

The contempt proceeding is hereby dropped.

(Harish Tandon, J.)

(Shampa Sarkar, J.)