

OD-2

ORDER SHEET

CC/3/2021

IN THE HIGH COURT AT CALCUTTA
Special Jurisdiction (Contempt)
ORIGINAL SIDE

TRIPTI RANJAN ROY
VERSUS
RAJANVIR SINGH KAPUR,
MANAGING DIRECTOR OF W.B. TRANSPORT CORP. LTD.

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 6th December, 2022.

Appearance:

Mr. Debductta Basu, Adv.

Mr. Niladri Bhattacharjee, Adv.
Mr. Soham Bandyopadhyay, Adv.

The Court: The present proceeding is a contempt arising out of an order passed by this Court on 19th October, 2020 in a writ petition filed by the petitioner.

By the said order, the respondent West Bengal Transport Corporation was directed to pay the petitioner's salary from January, 2020 to 31st May, 2020 and the petitioner's subsistence allowance from 1st June, 2020 until the disciplinary proceedings are concluded against the petitioner.

The petitioner does not complain with regard to the second direction since the subsistence allowance has been paid to the petitioner. The petitioner has filed the present contempt by reason of non-compliance of the first order by the Transport Corporation. By an order dated 17th February, 2022, the Corporation was once again directed to pay the

petitioner's dues in accordance with the order passed by the Court on 19th October, 2020 within two weeks from the date of the order. The Corporation was also directed to pay an additional Rs.10,000/- to the petitioner as costs and compensation for the deliberate violation of the order dated 19th October, 2020.

Both the orders of 19th October, 2020 and the order passed in the contempt proceedings on 17th February, 2022 were carried in appeal by the Corporation. By a judgment dated 22nd July, 2022, the Division Bench was pleased not to set aside either of the two orders. The Division Bench, however, refrained from passing any final opinion in the appeals on the ground that any such opinion may have a bearing on the merits of the final order in the disciplinary proceedings against the petitioner.

The final order was passed in the disciplinary proceedings on 3rd September, 2021. The petitioner is yet to challenge the order in the disciplinary proceedings.

However, since the Corporation has failed to comply with the direction of this Court with regard to payment of salary to the petitioner from January, 2020 to 31st May, 2020 from 19th October, 2020 onwards and has also failed to pay the costs as directed by the second order dated 17th February, 2022, the Corporation is directed to forthwith pay the salary in terms of the order dated 19th October, 2022 and reiterated on 17th February, 2022 to the petitioner within seven days from date. The Corporation shall also pay the costs as directed by the order dated 17th February, 2022 with an additional Rs.10,000/- for the delay in complying with the directions of

the Court. The costs plus the additional amount shall also be paid within seven days from date.

It is made clear that the parties shall have the liberty of praying for appropriate orders subject to the final result in the petitioner's challenge to the order passed in the disciplinary proceedings.

CC/3/2021 is disposed of in terms of the above.

(MOUSHUMI BHATTACHARYA, J.)

bp.