

31.03.2023
Item No.379
Court No.550
Saswata

CPAN 214 of 2010
in
W.P.A. 14175 of 2009
Jayanta Ghosh
-vs-
Ashis Kumar Thakur

Mr. Dilip Kumar Chatterjee
Mr. Manojit Pal
Mr. D.G.Mukherjee

... For the applicant

Complaining of violation of order dated 17th August 2009 passed in WPA 14175 of 2009, the present contempt application has been filed. It is submitted that during pendency of the aforesaid contempt proceedings, the Managing Director of West Bengal Surface Transport Corporation Ltd. in pursuance of the order passed by this court on 7th January 2009, has passed an order dated 8th January 2015, inter alia, confirming eligibility of the petitioner to be promoted to the post of accountant subject to fulfillment of the eligibility criteria and vacancy. Subsequently, a further order dated 23rd December 2022 has been passed, whereby the petitioner had been appointed to the post of accountant on promotion in the Pay level of 12 under W.B.S (ROPA) Rules, 2009 with effect from 1st December 2022. It is submitted the Managing Director, West Bengal State Transport Corporation by its aforesaid order dated 8th January 2015 had been pleased to consider the eligibility of the petitioner for promotion to the post of accountant by, inter alia, observing as follows:

“.....However, considering the circumstances of the case, he shall be eligible for promotion from his present post of Assistant

Accountant to the next higher post of Accountant, as feeder post on 01.04.2015 and the Corporation may consider the same once he is eligible for promotion on 01.04.2015 and subject to fulfillment of other eligibility criteria and appropriate vacancy at that point of time.”

Unfortunately, despite the fact that the petitioner was entitled to promotion to the post of Accountant with effect from 1st April 1995, effect of such promotion has been given from 1st December 2022. It is further submitted that since an order has already been passed, liberty may be granted to the petitioner to challenge the said order by filing appropriate proceedings.

I find that there has been substantial compliance of the order dated 17th August 2009. Since a decision has already been taken by the authorities, if the petitioner is aggrieved by such decision, it is open to the petitioner to independently challenge such decision in appropriate proceedings.

In view thereof, nothing survives in the present contempt application and CPAN 214 of 2010 is accordingly **dismissed** without any further order as to costs.

Urgent photostat certified copy of this order if applied for be given to the parties on priority basis upon completion of requisite formalities.

(Raja Basu Chowdhury, J.)