

AD-12
Ct No.09
08.03.2024
TN

CPAN 1666 of 2023
In
WPA No. 6471 of 2023

Indrajit Ghosh @ Shibu Ghosh and another
Vs.
Mr. Debabrata Bose, The Senior Superintendent of Post
Office, East Kolkata Division

Mr. Bhasker Chakraborty,
Mr. Subrata Mukherjee

....for the petitioners

Mr. Ashoke Kumar Chakraborty, Ld. ASGI,
Mr. Tirtha Pati Acharyya

....for the alleged contemnor

- 1.** The petitioners allege that despite the specific direction of this court for the postal authorities to mutually settle the claims of the petitioners on purported postal deposits made by the petitioners, no such steps have been taken by the postal authorities. It is further alleged that the postal authorities have not taken any steps against their SAS Agent one Smt. Mitali Das, who was apparently responsible for the entire saga.
- 2.** Learned ASG appearing on behalf of the alleged contemnor files a report where it has been disclosed point-wise that there were several mismatches in the claims of the petitioners. When the original passbooks were asked for, the petitioners said that those were deposited in connection with a criminal complaint lodged by the petitioners. That apart, it is pointed out

that the primary allegations are against Smt. Mitali Das, the SAS Agent who was appointed not by the Department of Posts, Government of India but by the Deputy Director, Small Savings, Finance Department, Government of West Bengal.

- 3.** It is contended that since already criminal proceedings are pending against the said Mitali Das at the behest of the petitioners, the alleged contemnor is not liable for contempt as such.
- 4.** Learned counsel for the petitioners submits that the claims of the petitioners are genuine and they were defrauded. Moreover, it is argued that under the law, it is the incumbent duty of the postal authorities to initiate proceedings in such cases against the SAS agents which was not done by the postal authorities in the present case.
- 5.** A careful consideration of the original order under contempt reveals that the same only contained a direction on the postal authorities to explore the opportunities of a mutual settlement of the claims of the petitioners. Since the postal authorities have done sufficiently in that regard by not only giving a hearing to the petitioners on such count but also trying to ascertain the genuineness of the claims by going through the documents handed over by the petitioners, it cannot be said that the alleged contemnor is in contempt of court. Rather, the relief of the petitioners

lies against the said Mitali Das who allegedly swindled the petitioners, regarding which criminal cases are pending.

- 6.** Insofar as the argument that the postal authorities have failed to initiate any proceeding against Mitali Das is concerned, the said allegation is entirely beyond the purview of the original writ petition and, as such, cannot be gone into independently by the contempt court while hearing a contempt application, which is limited to alleged violation of the original order passed by this court.
- 7.** In such view of the matter, keeping the report on record, this court is of the opinion that sufficient compliance has been done with regard to the order of this court.
- 8.** Accordingly, CPAN 1666 of 2023 is disposed of in the light of the above observations.
- 9.** It is, however, made clear that nothing in this order shall preclude the petitioners from proceeding with the criminal cases lodged on the basis of the petitioners' complaint against the SAS agent and/or seeking further relief by way of a fresh challenge in the event the petitioners are aggrieved by the inaction of the postal authorities in not taking any steps against Mitali Das in any manner.
- 10.** There will be no order as to costs.

- 11.** Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)