

22.
19-05-2023
debajyoti
(Ct. no.06)

CPAN 492 of 2023
in
WP.CT 234 of 2013

Shiv Kumar Srivastava
Vs.
Mr. Saroj Kumar & Ors.

Mr. Kamalesh Saha,
Ms. Payel Mitra

... For the Petitioner.

CPAN 1415 of 2022 was filed by the present petitioner for alleged wilful violation of an interim order dated June 14, 2013 passed in WP.CT 234 of 2013. The operative portion of said order reads as follows:

“ Let this matter appear in the list three weeks hence being marked as Application.

In the meantime, let there be an interim order staying the impugned order of transfer until further order. The respondents are directed to allow the petitioner to discharge his duty at Asansol where he was serving before the issuance of the impugned order of transfer. ”

We had dismissed that contempt application by our order dated March 02, 2023. After the matter was dismissed, we merely recorded the submission made on behalf of the petitioner to the following effect:-

“ Learned advocate for the petitioner says that the petitioner was released from the Cash and Pay Officer on December 08, 2022. He did not join the Administration Section because of pendency of the contempt application. He may be allowed to join by March 15, 2022, keeping in mind that there are intervening holidays. ”

The petitioner now says that when he went to join the office where he was transferred, he was not allowed to do so. He has written a letter to Divisional Finance Manager, being the respondent no.1 herein, regarding his grievance. There is no response to the said letter nor he is being allowed to discharge his duties. The petitioner alleges violation of our order March 02, 2023 and in particular, the portion extracted above.

The portion extracted above does not amount to any direction that the Court had given. It merely recorded the submission of the petitioner. Hence, there is no violation of any direction of this Court on the part of the respondents, which may amount to Contempt of Court.

The contempt application is dismissed.

However, if the petitioner has any fresh legitimate grievance against his employer, he will be at liberty to ventilate the same in accordance with law before the appropriate forum.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)