

7.7.2023

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CPAN 637 of 2023

In
WPA 4064 of 2023

Kumar Kanti Bose

Vs

Peali Saha, The Chief Executive Officer, Bankura
District Central Co-operative Bank Ltd. & Anr.

Mr. Biswaroop Bhattacharya,

Mr. Soumik Ganguli,

Mr. P. Choudhury

... For the Petitioner/ Applicant.

Mr. Saikat Banerjee,

Mr. Arnab Ray

... For the alleged contemnor No.1.

Mr. Susanta Pal,

Mr. Pradip Pal

... For the alleged contemnor No.2.

Mr. Pradip Kumar Roy,

Mr. Joydeep Roy

... For the State.

Heard learned Advocates appearing for the
respective parties.

Petitioner has filed this contempt application for
the alleged violation of the order of this court dated
22nd March, 2023, by which the alleged contemnors
were asked to make payment relating to retirement
benefits which the petitioner is entitled during the
pendency of the writ petition.

Mr. Nayak, learned Advocate representing the
alleged contemnor No.1, has filed affidavit-in-
opposition and supplementary affidavit as well as
written instructions today in course of hearing
indicating the payments which the petitioner was
entitled and that the same had already been paid and

nothing is due according to him though Mr. Bhattacharyya, learned Advocate appearing for the petitioner is disputing such figure. It is a well settled principles of law that if any action is taken and order is passed in compliance of the order alleged to have been violated, no further cause of action for contempt lies and other appropriate remedy is available to the petitioner. Mr. Bhattacharya submits that since the writ petition is pending, he need not to initiate any fresh proceedings and he should be allowed to challenge and dispute the contention raised by the alleged contemnor No.1 in this application, in course of hearing of the main writ petition which is allowed.

With this observation the contempt application being CPAN 637 of 2023 is disposed of by dropping the contempt proceeding.

Report filed by the alleged contemnor No.2 be kept with the record.

(Md. Nizamuddin, J.)