

58.
24.3.2023
S.D.

W.P.C.R.C. 143 of 2022
With
CAN 1 of 2022
in
W.P.A. 865 of 2017

Lilton Shaikh
Vs.
N. Venkatachalam & Ors.

Mr. Abhijit Basu
Mr. Arghya Kamal Das
... For the Petitioner

Mr. Anjan Kumar Paul
..For the alleged Contemnor no. 3

By an order dated April 4, 2017 passed by a Coordinate Bench of this Hon'ble Court, the Regional Manager, Syndicate Bank/the respondent no. 4 in W.P. 865 (W) of 2017 was directed to consider the documents by which the petitioner sought to indicate the exact number of days he worked in 2014. The entire exercise was to be restricted to the number of days the petitioner has actually worked in terms of a Circular. The petitioner's case was that he had worked for 291 days in two branches and the bank had committed a mistake in holding the total number of days to be 230. The case of the writ petitioner was directed to be considered by

giving the petitioner an opportunity of being heard within 12 weeks from the date of communication of the order. The respondent no. 4 was also directed to communicate his decision within two weeks of passing of the order. With the directions aforesaid, the writ petition was disposed of.

The applicant's grievance in the present contempt application is that despite such specific directions being given by the Coordinate Bench, the prayer of the petitioner was not considered. He was not given a personal hearing and no reasoned decision was taken by the respondent no. 4/Regional Manager.

It is submitted by Mr. Paul, learned counsel appearing on behalf of the alleged contemnor no. 3 that the Syndicate Bank has merged with Canara Bank with effect from April 1, 2020 pursuant to a Notification dated March 4, 2020. The alleged contemnor no. 3 being the Regional Manager of the Canara Bank was not aware of the orders passed by the Coordinate Bench and, therefore, should not be held liable to not complying with the same. He further submits that the contempt application is not maintainable since it is filed after one year from the date on which the act of alleged contempt was committed. Therefore, he prays for dismissal of the contempt application.

Considering the rival submissions of the parties and the materials placed on record, this Court is of the view that the contempt complained of in the present application is in the nature of a “**continuing wrong**”. Therefore, there is no question of limitation of one year being applicable to the present proceedings. Furthermore, this application was heard on the previous occasion when no issue with regard to the maintainability was urged on behalf of the alleged contemnor no. 3.

From the affidavit of compliance filed on behalf of the alleged contemnor no. 3, this Court finds that he is ready and willing to comply with the order dated April 6, 2017 passed by the Hon'ble Coordinate Bench of this Court.

In such view of the matter, the alleged contemnor no. 3 is directed to consider the representation of the petitioner within four weeks from date upon giving a personal hearing to the petitioner. The alleged contemnor no. 3 is directed to dispose of the representation of the petitioner by a reasoned order and communicate the same within one week of passing thereof to the writ petitioner.

Since the alleged contemnor no. 3 has submitted before this Court that he is willing to comply with the order passed

by this Hon'ble Court, nothing further remains to be adjudicated in the present application.

With the directions aforesaid, **W.P.C.R.C. 143 of 2022** is **disposed of**.

The **Rule** accordingly stands **discharged**.

Since the contempt petition is being disposed of, **CAN 1 of 2022** is also accordingly **disposed of**.

All parties shall act on the server copy of this order duly downloaded from the **website** of this Court.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all the formalities.

(Lapita Banerji, J.)