

24.03.2023
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**CPAN 1450 of 2022
in
MAT 1213 of 2019**

**Avijit Das.
Versus
Sri Rajanvir Singh Kapur**

Mr. Pappu Adhikari for the applicant.

Mr. Manoj Malhotra,
Mr. Ravi Kumar Dubey... for the alleged contemnor.

1. This contempt application has been filed alleging wilful disobedience of the direction issued in the judgment and order dated 6th April, 2022 in MAT 1213 of 2019.

2. The learned Advocate for the contempt applicant submits that in paragraph 20(d) of the judgment and order, the Court while quashing the order of suspension directed the applicant / workman to be reinstated as driver and paid the current salary as payable to any other driver similarly placed with that of the workman. It is submitted that though the applicant has been reinstated, the salary paid to him is not on par with the current salary paid to similarly placed drivers.

3. The learned Advocate appearing for the respondent / management submitted that there is no

wilful disobedience of the judgment and order and the reason for the difference being that the benefit of career advancement scheme was not extended to the applicant since he has been out of employment for nearly 20 years.

4. In this regard, if we take note of the direction issued in paragraph 20(e) of the judgment and order, it is clear that the period during which the applicant was out of employment was directed to be notionally treated as in service only for the purpose of calculation of the length of service to determine the applicant's superannuation / pensionary benefits.

5. Therefore, the benefit of career advancement scheme cannot be extended to the applicant and hence, we find that there is no violation much less wilful violation or disobedience of the judgment and order.

6. For the above reason, the contempt application fails and is hereby dismissed.

7. There shall be no order as to costs.

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

(T. S. Sivagnanam, J.)

(Hiranmay Bhattacharyya, J.)