

18th August, 2023
Ct. 1
D/L 01
(AK)

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

CPAN 24 of 2023
with
WPA 1935 of 2022

Anjali Kumari
Versus
Yamuna Kumar Chaubey, DIR(Tech) NHPC & Ors.

Mr. Rachit Lakhmani
Mr. Nabankur Paul

... for the petitioner.

Mr. Joydip Kar
Mr. Bikramaditya Ghosh
Ms. Supriya Singh

...for the alleged contemnors.

The contempt relates to a judgment and order passed by this court on 11th August, 2022. By the said judgment, the Report and the show cause notice which were the subject matter of the dispute were found to be unsustainable within the purview of the NHPC Conduct Discipline and Appeal Rules framed by the respondent no.1. The court accordingly quashed both the impugned Report and the show cause notice issued by the respondent no.1 on the petitioner. The respondents were restrained from giving any further effect to the impugned notices.

During the hearing of the contempt proceedings, the petitioner informed the court that the alleged contemnor no.5 was a party to the

appraisal of the petitioner's performance from December 2021-March 2022 and that the alleged contemnor no.5 was the person against who the petitioner had levelled allegations of sexual harassment under the provisions of the 2013 Act. By the order dated 7th July, 2023, the court found that the appraisal was prepared during pendency of the writ petition but that the result of the appraisal was uploaded on the website of the Company after delivery of the judgment on 11th August, 2022.

Affidavits have since been filed by the parties.

Learned counsel appearing for the alleged contemnors has proposed a resolution of the continuing disputes between the parties by submitting that the petitioner's appraisal may be done by an independent person who is not a party/alleged contemnor before the court.

Learned counsel appearing for the petitioner is agreeable to the proposal and urges that the petitioner's appraisal as was previously done up to 13th December, 2021 may be taken as the basis of the petitioner's performance in the Company.

The relevant page of the affidavit-in-reply shows that one Mahesh Kumar Sharma who was then the Deputy General Manager (Finance) and now the General Manager (Finance) had done the

appraisal and had given the petitioner 79.8% marks out of 100 with a scale of “Very Good”.

Counsel appearing for the alleged contemnors has taken a reasonable stand and agreed to this appraisal being accepted as the basis for continuing the appraisal to continue until 31st March, 2022.

The court accepts this as a fair suggestion which will allay the apprehensions expressed on the part of the petitioner.

CPAN 24 of 2023 is accordingly disposed of by directing the NHPC Limited to complete the petitioner’s appraisal till 31st March, 2022 on the basis of the appraisal already on record within a period of six weeks from today.

It is made clear that the court has not gone into the allegations made in the contempt application.

There will be no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be made available to the parties upon compliance of the requisite formalities.

(Moushumi Bhattacharya, J.)