

CC/71/2023

IN THE HIGH COURT AT CALCUTTA
Special Jurisdiction (Contempt)
ORIGINAL SIDE

JYOTI BANERJEE
VERSUS
MR. SUMANTA KUMAR

BEFORE:

The Hon'ble JUSTICE SOUMEN SEN

AND

The Hon'ble JUSTICE SAUGATA BHATTACHARYYA

Date : 24th August, 2023

Appearance:

Mr. Sudeep Sanyal, Adv.
Mr. Arun Bandyopadhyay, Adv.
Mr. Chandrachur Lahiri, Adv.

The Court: The contempt application has been filed alleging non-payment of balance subsistence allowance to which the petitioner is entitled in view of the bipartite settlement and the revision of pay and allowances which took place during the period of his suspension from service between 10th January, 2004 to 6th September, 2013.

While disposing of the writ petition, similar argument was made by Mr. Sanyal to which our response was as follows:

“Mr. Sanyal, however, submits that the amount received by the petitioner does not reflect the actual amount receivable as subsistence allowance in view of the revision of pay scales happened during the aforesaid period. In this proceedings, we cannot adjudicate the said dispute. We cannot go into the

question as to whether the said amount actually represents the entitlement of the petitioner in terms of the order passed by the learned Single Judge. We only record our concurrence with the finding of the learned Single Judge and affirm the order under appeal.”

Mr. Sanyal apprehends that in view of our aforesaid observation, a writ petition challenging the amount quantified by the bank towards the subsistence allowance and other admissible dues shall be barred.

In view of the observation made by us while disposing of the appeal, we feel that the apprehension expressed may not have any basis as we have not gone into the question on quantification of the amount receivable towards subsistence allowance in view of the revision of pay scales happened during the suspension period and the petitioner was not prevented to seek an adjudication of the aforesaid dispute before proper forum in accordance with law.

With the aforesaid observation, the contempt application stands disposed of. However, there shall be no order as to costs.

(SOUMEN SEN, J.)

(SAUGATA BHATTACHARYYA, J.)