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12.04.2024  
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C.P.A.N. 412 of 2024  
in  
W.P.A. No. 25462 of 2022  
  
Supriya Biswas  
Vs.  
Shri Purushottam Gajbhiye

Mr. Arun Kumar Paul  
... for the petitioner

Mr. Siddhartha Lahiri  
...for the alleged contemnor

In Re.: C.P.A.N. 412 of 2024

1. Learned counsel for the petitioner alleges that in violation of the order of this Court dated January 13, 2023, subsequently extended by this Court on October 5, 2023, the alleged contemnor has not allowed the petitioner to work, despite this Court having stayed the operation of the termination of the petitioner.
2. Learned counsel for the alleged contemnor places reliance on the Annexures to the supplementary affidavit and the contempt application of the petitioner and points out that initially on January 13, 2023, the interim order was passed till January 31, 2023. Thereafter,

even after a long gap, the petitioner did not move for extension of the order. As long thereafter as on October 5, 2023, CAN 1 of 2023, which had been filed by the petitioner for extension, was disposed of by extending the interim order only till December 15, 2023, granting the petitioner liberty to mention for extension, if need be, on the basis of the interim prayer made in the writ petition itself.

3. However, even after December 15, 2023 till date, no extension order has been obtained by the petitioner from this Court.
4. As such, after giving sufficient time to the petitioner to obtain such an extension order, the alleged contemnor, on and from January 2, 2024, that is more than two weeks after the expiry of the interim order, prevented the petitioner from assuming her duties.
5. Upon hearing learned counsel, it is evident that it is only the petitioner who is to blame for the act alleged to have been done by the respondent. Since the petitioner, even on the earlier occasion,

was inordinately late in mentioning the matter and obtaining an extension, and subsequently also, in spite of liberty being given to the petitioner to pray for extension on the writ petition itself, has not exercised such discretion till date, it does not lie in the mouth of the petitioner to argue that the alleged contemnor is guilty of any act of contempt.

6. Hence, I do not find any willful or deliberate violation of any order of this Court because of the simple reason that there has been no subsisting order of this Court to be violated on and from December 16, 2023.
7. Since the alleged act of contempt was from January 2, 2024, much thereafter, there is no contumacious act committed on the part of the alleged contemnor.
8. Accordingly, CPAN 412 of 2024 is dismissed.
9. However, it is made clear that nothing in this order shall preclude the petitioner from seeking a further extension of the interim order passed in the writ petition.
10. If such an application is made, and subject to the petitioner having made out

a substantial case as to why the delay in the interregnum in making such application shall be condoned, the same will be heard on its own merits.

(Sabyasachi Bhattacharyya, J.)