

D/L.21.  
September 27, 2024.  
MNS.

CPAN 1422 of 2024  
in  
WPA No. 26055 of 2023

Swapan Kumar Barman  
Vs.  
Paribrajika Atmahridaya and another

Mr. Biswaranjan Bhakat

... for the petitioner.

1. Learned counsel for the petitioner submits that despite the specific direction of this court dated May 3, 2024 passed in CAN 1 of 2024, filed in respect of WPA No. 26055 of 2023, the petitioner was permitted to join service about seven days after the communication of the order of this court.
2. More importantly, it is argued, the salary of the petitioner is not being disbursed for the subsequent period. It is submitted that since the petitioner has not been getting salary for about four months, particularly due to the festive season the petitioner is in grave financial hardship.

3. Although appreciating fully the pains of the petitioner, the hands of the court in a contempt application are tied to an extent. In contempt, the court cannot grant fresh relief. The order of this court was confined to the respondent nos. 4 and 5 in the writ petition permitting the petitioner to carry on with his duties by joining immediately, subject to the outcome of the writ petition.
4. Since the petitioner has been permitted to join, *albeit* after seven days, which is not so substantial to justify taking extreme measures for contempt, the legal right of the petitioner to get salary for the said period, if infringed, gives right to a fresh cause of action, which can be ventilated before the writ court itself.
5. Since the writ petition is still pending and the direction to permit the petitioner to join service was made subject to the outcome of the writ petition, it will be open to the petitioner to approach the writ court having determination seeking appropriate orders. However, it is beyond the pale

of the contempt jurisdiction to pass any such direction as now sought.

6. Accordingly, CPAN 1422 of 2024 is dismissed, with liberty to the petitioner to approach the writ court for the remedies as indicated above.

7. There will be no order as to costs.

(Sabyasachi Bhattacharyya, J.)