

CC/81/2022

**IN THE HIGH COURT AT CALCUTTA
Special Jurisdiction(Contempt)
Commercial Division**

CHANDESWAR SINGH

VS

**MANOJ KUMAR PANTH IAS ADDL. CHIEF SECRETARY TO THE
GOVT OF WEST BENGAL FINANCE DEPT**

For the Plaintiff : Mr. Tapan Kumar Mukherjee, Sr. Advocate,
Mr. Somnath Naskar, Advocate, Mr. Indranil
Roy, Advocate.

For the Defendant : Mr. Debductta Basu, Advocate

Hearing concluded on : February 6, 2024

Judgment on : February 06, 2024

DEBANGSU BASAK, J. :-

1. Petitioner complains of violation of the judgment and order dated July 22, 2022 passed in APO/139/2021 and connected application.
2. Learned Advocate appearing for the petitioner submits that, the issue that fell for consideration before the Hon'ble Division Bench was narrated in such judgment and order. The Division

Bench directed the Principal Secretary, Department of Finance to consider the grievance of the petitioner on merits and in light of the observation made in such judgment and order. He submits that, the Principal Secretary did not do so. Principal Secretary overlooked the decision arrived at by the Division Bench. According to him, the so-called consideration for the grievance of the appellant was no consideration at all. In fact, it tantamounts to overreaching.

3. In support of the contention that, a contempt Court cannot reopen the same issue and that it is not empowered to reopen the issues once decided, he relies upon AIR 2019 Supreme Court 818(ER. K. Arumugam v. Vs. Balakrishnan).
4. Learned Senior Advocate appearing for the alleged contemnor submits that the direction contained in the judgment and order dated July 22, 2022 was complied with. Such judgment and order required the Principal Secretary, Department of Finance to consider the grievance of the appellants in light of the observations made in such judgment and order. The Principal

Secretary, Department of Finance did so by an order dated November 22, 2022.

5. Petitioners before us sought third carrier advancement as specified in Clause IV of the Guidelines Carrier Advancement Scheme framed on August 24, 2007. Authorities declined to grant such benefits to the petitioners. Aggrieved by such decision, the petitioners approached the High Court by way of a writ petition being WPO/429/2020. An interim application was filed in such writ petition. Both the interim application and the writ petition were disposed of by an order dated April 13, 2021 dismissing the writ petition.
6. Aggrieved by such decision, the petitioners preferred several appeals which were disposed of by the judgment and order dated July 22, 2022. The appeal Court set aside the order of the learned single Judge dated April 13, 2021. Appeal Court directed the Principal Secretary, Department of Finance to consider the grievance of the petitioners on merits and in light of the observations made in such judgment and order.

7. Additional Chief Secretary, Finance Department by a reasoned order dated November 22, 2022 negated the claim of the petitioners.
8. Aggrieved by such reasoned order the present contempt petition was filed.
9. It is the contention of the petitioners before us that the reasoned order dated November 22, 2022 overlooked the observations made by the Appeal Court in the judgment and order dated July 22, 2022.
10. ER. K. Arumugam considers a previous authority of the Supreme Court and is of the view that in contempt jurisdiction the Court is required to confine itself to the four-corners of the order alleged to be violated. In such circumstances, we find no merit in the contempt petition.
11. The reasoned order proceeds on the basis of interpretation of the various guidelines and the memorandum governing the field. Such an interpretation of the memorandum and the guidelines, cannot be said to be in willful or deliberate violation of the order of the Appeal Court dated July 22, 2022.

12. As a contempt Court we are not called upon to test the veracity and the legality of the reasoned order on the touchstone of the points canvassed on behalf of the petitioners. We are to consider whether or not, the reasoned order can be said to be in willful or deliberate violation of the judgment and order dated July 22, 2022 of the Appeal Court. In the facts and circumstances of the present case, we are unable to return a finding that the reasoned order is in willful violation of such judgment and order.
13. Other issues raised by the petitioners before us with regard to the validity and sufficiency of the reasoned order are kept open to be decided by the appropriate forum, if approached.
14. CC/81/2022 is disposed of without any order as to costs.

[DEBANGSU BASAK, J.]

[MD. SHABBAR RASHIDI]