

Form No. J.(2)
Item No. ML/396
ARPAN - AR (CT)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
(Appellate Side)

CPAN 2047 OF 2015

IN

W.P.A. NO.19558 OF 2010

SRI DEBABRATA MAITI

Vs.

**SRI UMESH CHANDA, CHAIRMAN, BANGIYO
GRAMIN BIKASH BANK, MURSHIDABAD & ANOTHER**

BEFORE: THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA

For the Applicant : Mr. Chittapriya Ghosh, Adv.
Mr. Asit Baran Ghosh, Adv.

For the Alleged Contemnors : Mr. Ajit Kumar Mitra, Adv.
Ms. Dipti Gupta, Adv.

Hearing concluded on : 14.11.2025

Judgment On : 14.11.2025

SAUGATA BHATTACHARYYA, J.:

1. Matter is heard in presence of the learned advocates representing the applicant and alleged contemnors.

2. Question is whether judgment and order dated 17th June, 2015 passed by a Co-ordinate Bench on the connected writ petition is complied with or not. For better understanding of the issue, this Court finds it fit to quote the relevant part of the judgment and order dated 17th June, 2015 below:

“In those circumstances, it is quite plain that the writ petitioner has been treated unfairly and unjustly. This writ application has to succeed. The decision dated 12th August, 2010 is set aside. Since the records of the recruitment process are not available, this Court cannot direct reconsideration. This Court declares the petitioner to have been eligible for promotion from JMG scale-I post to MMG scale-II post, in the selection process notified on 14th September, 2002 and undertaken from 9th April, 2003. Since the petitioner has retired a notional effect has to be given to this promotion. His pay/salary and other applicable allowances have to be computed and fixed on the date when promotion under the above process was effected on 23rd May, 2003 and thereafter notionally revised from time to time till his date of retirement, on 31st March, 2015. His future retrial (sic) benefits have to be computed and paid accordingly. The arrear differential salary, allowances and monetary benefits have to be released to the petitioner by the respondent bank within three months from date.”

3. On perusal of the above direction as contained in the judgment and order dated 17th June, 2015, it appears that while allowing the connected writ petition, Co-ordinate Bench directed the Bank authority to give notional effect to the promotion which applicant/petitioner was entitled to in the year 2003. It was a case of promotion from JMG scale-

I post to MMG scale-II post. While observing that petitioner was eligible to be promoted, Bank authority was directed that pay/salary and other applicable allowances were required to be computed and fixed on the date when promotion was effected on 23rd May, 2003 and thereafter Bank authority was directed to notionally revise pay/salary from time to time till the date of applicant's retirement on 31st March, 2015.

4. Taking note of superannuation of the applicant/petitioner on 31st March, 2015, at the time of disposal of the writ petition, it appears that Bank authority was directed to grant notional benefit to the promotion of the applicant which applicant was entitled to from 23rd May, 2003.
5. By filing a report in the form of affidavit on behalf of the alleged contemnors which was affirmed on 23rd December, 2024, copies of relevant documents are annexed disclosing last ten months' pensionable salary statement preceding the date of superannuation of the applicant/petitioner. It is also submitted that by notionally revising pay/salary of the applicant, retiral dues were consolidated taking note of superannuation of the applicant on 31st March, 2015.
6. Mr. Chittapriya Ghosh, learned advocate representing the applicant/petitioner submits that notional benefits were accorded to the applicant as per directions contained in the judgment and order dated 17th June, 2015 but there was considerable delay in extending such benefits as the process of revising pay/salary was belatedly done thereby payment

was made in 2024. It is also submitted that the judgment was delivered by the Co-ordinate Bench on 17th June, 2015.

7. It is further submitted on behalf of the applicant/petitioner that since promotion was allowed by the Co-ordinate Bench, applicant is entitled to receive monetary benefits from the date of promotion, *i.e.*, 23rd May, 2003.
8. If promotion were actually allowed in favour of the applicant on 23rd May, 2003, there was further scope so far as applicant is concerned to be promoted to next higher post and necessary service benefits would have also been accrued in favour of the applicant.
9. This Court is not oblivious of the fact that contempt application is being considered where it is to be examined whether the judgment and order dated 17th June, 2015 passed by the Co-ordinate Bench is complied with or not.
10. It is already discussed above that the Co-ordinate Bench granted notional benefits on promotion of the applicant/petitioner and actual benefits were allowed from the date of superannuation of the applicant on 31st March, 2015 onwards.
11. To this extent, it is submitted on behalf of the applicant/petitioner that such benefit has been accorded. Therefore, it appears that the judgment and order dated 17th June, 2015 is substantially complied with.

12. However, on behalf of the applicant/petitioner it is also contended that there was considerable delay in extending benefits on giving notional benefits due to applicant's promotion.
13. Applicant shall be at leave to approach the concerned Bank authority for granting interest due to delayed payment by making necessary representation; if such representation is made, same shall be considered by the Bank authority, in accordance with law.
14. With the above observations and directions, contempt application stands disposed of and contempt proceeding stands dropped.
15. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(SAUGATA BHATTACHARYYA, J.)