

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

CC/9/2025
With
WPO/1244/2022

PHANI BHUSAN CHAKRABORTY
VERSUS
SHIRAZ DANESHYAR

BEFORE:
The Hon'ble JUSTICE RAI CHATTOPADHYAY
Date : 6th February, 2025

Appearance:
Mr. Debdutta Basu, Adv.
...for the petitioner

Ms. Deblina Chattaraj, Adv.
...for the alleged contemnor

The Court: The present contempt is to challenge the alleged willful and deliberate violation of this Court's order dated May 17, 2024 in WPO/1244/2022. The Court had passed the following directions in the same.

"The writ petition being WPO 1244 of 2022 is allowed. The respondent No. 2/Corporation is directed to release immediately the interests over the Provident Fund amount as paid to the writ petitioner, with effect from the date of suspension of the order of conviction of the writ petitioner till the date of actual payment at the rate of interest of a savings account in a Public Sector Bank. The respondent No. 2/Corporation shall also pay the amount of gratuity as allowable to the writ petitioner and that of encashment of leave allowable to him."

According to the petitioner, the alleged contemnor has always been inactive and inert in complying promptly with the Court's order and also that finally when after filing of this contempt petition by the petitioner, the alleged contemnor proceeded to pay the legal and statutory dues to the writ petitioner in terms of the Court's order, i.e., by dint of the status report as annexed in the supplementary affidavit in this contempt application, the said respondent has calculated the amount of actual dues at a reduced rate. According to the petitioner, that is in violation of the Court's order dated May 17, 2024.

Mr. Basu has very emphatically submitted that in spite of no disciplinary proceeding having been initiated against the petitioner, the alleged contemnor has placed reliance on a so-called self-declaration dated January 8, 2020, of the petitioner to illegally deduct an amount of Rs.2 lakhs from the total dues of the petitioner. He says that the same would not only be illegal but overriding this Court's order as above and thereby violating the directions therein.

Ms. Chattaraj has represented the alleged contemnor. She would submit that in terms of Court's order, the statutory dues as would be payable to the petitioner, has been already remitted to his end.

Heard submissions.

On perusal of the records and considering the submissions of the respective learned lawyers, the Court is of considered opinion that so far as the allegation of willful and deliberate violation of this Court's order dated May 17, 2024 is concerned by the petitioner here, the same would not be sustainable, nor the allegation of overriding the Court's order can be substantiated.

The petitioner may have some dispute as regards the amount paid which, however, in the considered opinion of this Court would not be the subject matter of this contempt proceeding.

Hence, for the reasons as stated above, the present contempt proceeding being CC/9/2025 is dropped.

(RAI CHATTOPADHYAY, J.)

sg.