

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
Special Civil Jurisdiction
ORIGINAL SIDE

CC/16/2025

SANJOY BISWAS

-VS-

SRI K. SATYANARAYANA RAJU AND ORS.

BEFORE:

The Hon'ble JUSTICE SUBHENDU SAMANTA

Date: 11th April, 2025.

APPEARANCE:

Mr. Jayanta Narayan Chatterjee, Sr. Adv.

Mr. Sirsendu Sinha Roy, Adv.

Mr. Supreem Naskar, Adv.

Ms. Pritha Sinha, Adv.

Mr. Bhaskar Mondal, Adv.

...for the petitioner

Ms. Aparajita Rao, Adv.

Ms. Nabanita Dutta, Adv.

..for the alleged contemnor.

The Court:- Instant contempt application was filed for alleged deliberate violation of the respondent authority for not following the order of this Court dated 28th June, 2024.

Mr. Jayanta Narayan Chatterjee, learned Senior Counsel appearing on behalf of the petitioner submits that this Court at the time of passing of the order has considered the prayer of the petitioner and directed the bank authority to transfer the petitioner from Bhubaneswar to home State. It is further contention of Mr. Chatterjee that the order was passed considering the physical ailment of the petitioner and this Court has also considered the policy of "Request Transfer" formulated by the bank.

Mr. Chatterjee further argued that after passing of the order, the present petitioner was transferred from state of Odisha to the State of West Bengal but he was posted in the remote place of district Murshidabad. Sometimes he was posted in Berhampore, thereafter within three months he was transferred thrice.

It is the further contention of the petitioner that considering the present physical condition of the petitioner, the petitioner had to prefer an application before this Court for contemptuous act of the bank authority. He submits that the bank authority has not followed the direction of this Court in its true letter and spirit but only transferred the petitioner from the state of Odisha to the state of West Bengal.

Mr. Chatterjee, specifically argued that the petitioner was posed in remote village of district Murshidabad from where his medical treatment could not be possible. At this specific physical condition, he may be posted nearby to the district of Kolkata or nearby to his home station so that, his treatment may be done properly.

It is the utter request of Mr. Chatterjee that the petitioner's representation dated 23rd September, 2024 was not considered so he may be transferred to a place wherefrom his treatment may be done.

Learned counsel appearing on behalf of the bank authority has placed the compliance report on affidavit. They have specifically stated that after passing the order of this Court, he was immediately transferred to Umrapur Branch, Behrampur Regional Office under Kolkata Circle Office; thereafter he

was again transferred to the Behrampur Regional Office, wherein he could not sustain the workload and made several representations before the authority.

Accordingly, he was again posted to one place, namely, Jahangirpur under the same region where workload is less. It is further contention of the bank authority that near Jahangirpur there is a multi specialty hospital wherein the treatment of the petitioner can be done.

It is a fair contention of the learned Counsel of the bank authority that bank authority has complied with the order of this Court in its true letter and spirit so the contempt application is liable to be dismissed.

Having heard the learned Counsel for the parties and in considering the impugned order, application for contempt, as well as the report or compliance on affidavit by the bank authority, it appears that this Court has passed the order in favour of the petitioner so that he may be transferred from the State of Odisha to the State of West Bengal.

At the time of passing the order this Court has observed the physical condition and the sufferings of the petitioner due to different ailments. It further appears that this Court has specifically directed the bank authority to manage the hurdles of administrative requirements and exigencies. It is true that this Court cannot overview the hurdles of the bank authority and their administrative requirements. It is the sole domain of the bank authority where they shall appoint/transfer the officers to perform their bank business. It appears that the petitioner is a Manager of the bank, having more responsibilities, rather than the other officers. At this juncture, it appears

from the compliance report that the order of this Court has been complied with by the bank authority by transferring him from the State of Odisha to the State of West Bengal.

However the bank authority should have considered the case of the petitioner sympathetically but from the affidavit of compliance it appears that the bank authority had to transfer the petitioner in the Behrampore region, Kolkata Circle for the administrative requirement.

I make it clear that this Court is not passing any order in respect of specific direction to the bank authority to transfer the petitioner in or within the vicinity of Kolkata but I am only passing an order to the authority so that the case of the petitioner may be considered sympathetically. In this case, it appears that petitioner has made a representation to the bank authority on 23rd July, 2024 as well as 22nd November, 2024 which were not considered.

I direct the respondent authority to dispose of those representations under sympathetic ground and transfer the petitioner in a place wherefrom required treatment can be done.

Under the above observations, the instant application being CC/16/2025 is disposed of.

(SUBHENDU SAMANTA, J.)