

s/L **3+4**
09.03.2026
Court No.04
B.K.N

C.P.A.N. 909 of 2023

Dhananjoy Das & Anr.
Vs.
Surendra Gupta, IAS & Ors.

In

W.P.S.T. 106 of 2019

Dhananjoy Das & Anr.
Vs.
The State of West Bengal & Ors.

With

C.P.A.N. 910 of 2023

Dhananjoy Das & Anr.
Vs.
Surendra Gupta, IAS & Ors.

In

W.P.S.T. 126 of 2019

Dhananjoy Das & Anr.
Vs.
The State of West Bengal & Ors.

*Mr. Pratik Dhar, Sr. Adv.,
Mr. Pappu Adhikari,
Mr. Snehal Sinha*

...for the Applicants.

*Mr. Sirsanya Bandopadhyay, Sr. Standing Counsel,
Mr. Arka Kumar Nag, Jr. Govt. Adv.*

...for the Respondent Nos. 1, 2, 3, 4, 7 & 8.

*Ms. Piyali Sengupta,
Mr. Victor Chatterjee,
Ms. S. Bhattacharjee,
Mr. Pramitava Nath*

...for the alleged Contemnor No. 6.

*Mr. Arkaprava Sen,
Mr. Sayantan Kar*

...for the alleged Contemnor No. 9.

1. The application has been filed alleging violation of a judgment dated 01.02.2023. The specific direction which was required to be complied with was fixing of *inter se* seniority of the petitioners vis-à-vis the private respondents in terms of Note 3 of Rule 4 of the West

Bengal Services (Determination of Seniority) Rules, 1981 [the 1981 Rules for short). Pursuant to the judgment of the Court passed in the writ proceeding a gradation list was prepared on 30.03.2023. The same was communicated by the Deputy Secretary to the Government of West Bengal in the department of Public Health Engineering to the Chief Engineer, Headquarters, Public Health Engineering Directorate.

2. The learned advocate for the petitioners submits that there is no grievance or dispute with reference to the gradation list contained in the communication dated 30.03.2023.
3. The learned advocate further submits that a promotion is granted from the post of Assistant Engineer to the post of Executive Engineer to one Sri Sudip Saha on 11.04.2023, which ultimately is not in accordance with the 1981 Rules.
4. The Court put a specific query as to whether there is any direction with reference to further promotion consequent upon creation of the gradation list. The learned advocate is not able to show from the judgment that there is any such direction.
5. There is no dispute or grievance raised that the gradation list prepared pursuant to the Court's judgment is not in compliance with the Court's judgment.
6. Considering the submission taken note of the above, within the contours of a contempt proceeding, the only concern is to see that the judgment/order is complied

with in letter and spirit. An issue regarding promotion was neither raised, nor decided by the judgment, contempt of which is alleged. The order of promotion therefore, in our view does not come within the purview of contempt.

7. Without expressing any opinion on merits of the claim regarding the promotion order dated 11.04.2023, we leave it open to the petitioner to raise a grievance in this regard in an appropriate proceeding, in accordance with law.
8. We find no case made out for proceeding against the alleged contemnors for violation of the judgment.
9. The contempt application is dismissed.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)