

504
ML
28.11.2014
KC

W.P. No. 2865(W) of 2011
WITH
CPAN No. 1061 of 2013

Mr. Ardhendu Sekhar Biswas.
... for the petitioner.

Mr. Pantu Deb Roy.
... for the alleged contemnor.

This matter was taken up out of turn on being mentioned by the learned advocates for the parties as a complaint of similar nature being CPAN No. 918 of 2013 has been disposed of today and the nature of complaint of the petitioner in this proceeding is the same.

The writ petition, out of which this contempt action arises, was disposed of by this Court on 24th February, 2011 with the following direction:

"As the petitioner's employment with the said corporation does not appear to be in dispute, I am of the opinion that the respondent no. 5 ought to look into the grievance of the petitioner, which has been outlined in paragraph 14 of the writ petition and a decision shall be taken in this regard within a period of eight weeks from the date of communication of this order. The respondent no. 5 shall be at liberty to depute the Managing Director of the organisation to examine this issue in the manner directed by this Court. Such decision of the Chairman or the Managing Director, as the case may be, shall be communicated to the petitioner within a further period of one week. In the event it is found that payment of any legitimate dues of the petitioner is withheld, then the same shall be released with interest at the rate of 9% per annum to be computed from the date such amount was payable under normal circumstances till the date on

which actual payment thereof is made."

Today when this matter is called on, Mr. Deb Roy, learned counsel appearing on behalf of the alleged contemnor submits that interest on gratuity had already been released and there was no other due of the petitioner.

On behalf of the petitioner, however, it is submitted that there are over due salary for 5 $\frac{1}{2}$ months which is yet to be released.

In the writ petition, I had directed the concerned Corporation to take a decision on the claim of the petitioner which has been outlined in paragraph 14 of the writ petition. There was no direction as regards the manner in which such decision was to be taken. In such circumstances, in the contempt action it is not possible for this Court to examine the legality of the decision. The contempt petition accordingly shall stand disposed of. If the petitioner is aggrieved with the decision of the alleged contemnor or his subordinate, then he shall be at liberty to apply afresh by bringing an independent action as the decision would constitute a fresh cause of action.

The contempt petition accordingly stand disposed of.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order be given to the parties expeditiously, if applied for.

(Aniruddha Bose, J.)