



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 20<sup>TH</sup> DAY OF APRIL, 2023**

**PRESENT**

**THE HON'BLE MR PRASANNA B. VARALE, CHIEF JUSTICE**

**AND**

**THE HON'BLE MR JUSTICE M.G.S. KAMAL**

**CIVIL CONTEMPT PETITION NO. 394 OF 2023**

**BETWEEN:**

1. M P MOHAN KUMAR  
AGED ABOUT 65 YEARS  
E C NO 32352  
RETIRED MANAGER  
NO B-248, 12TH MAIN  
SAWASWATHIPURAM  
MYSURU – 570 009.
2. A R VENKATESH  
AGED ABOUT 65 YEARS  
E C NO 32388  
RETIRED MANAGER  
NO 74, SAHANA  
II CROSS, II MAIN  
SAMBRUDDHI ENCLAVE  
KUMARASWAMY LAYOUT  
II STAGE  
BENGALURU – 560 011.
3. N.R. SWARUPA  
AGED ABOUT 63 YEARS  
W/O LATE N R RAMAKRISHNA SETTY  
E C NO 42563





RETIRED OFFICER  
1417, II CROSS  
1TH MAIN JP NAGAR  
BENGALURU – 560 078.

...COMPLAINANTS

(BY SRI. K.R. GANESH RAO.,ADVOCATE)

**AND:**

GIRISH KUMAR  
MAJOR  
AGM-HRM AND IN CHARGE  
TB AND HRCPC  
BANK OF BARODA  
HEAD OFFICE  
BARODA BHAVAN  
R C DUTTA ROAD  
ALKAPURI VADODARA – 390 007.

...ACCUSED

THIS CCC IS FILED UNDER SECTIONS 11 AND 12 OF THE CONTEMPT OF COURTS ACT, PRAYING TO INITIATE CONTEMPT PROCEEDINGS AGAINST THE ACCUSED/RESPONDENT FOR NON-IMPLEMENTATION OF THE ORDERS DATED 06.03.2023 OF THIS HON'BLE COURT IN WP NO.2609/2020 BETWEEN MP MOHAN KUMAR AND ORS AND THE HEAD (HR OPERATIONS) BANK OF BARODA HEAD OFFICE, VADODARA, ANNEXED TO THIS CONTEMPT PETITION AS ANNEXURE-A IN ACCORDANCE WITH LAW. b) DIRECT THE ACCUSED/RESPONDENT TO IMPLEMENT THE ORDER DATED:06.03.2023 PASSED IN WRIT PETITION No.2609/2020 BY THIS HON'BLE COURT AND TO PAY THE AMOUNT OF INCREMENTAL PENSION FROM ITS DUE DATE FROM 01.04.2001.

THIS PETITION COMING ON FOR PRELIMINARY HEARING, THIS DAY, **CHIEF JUSTICE**, MADE THE FOLLOWING:



**ORDER**

Heard learned counsel for the complainants/  
petitioners at length.

2. The complainants are before this Court seeking initiation of contempt proceedings against the accused for willful breach of the order passed by the learned Single Judge in W.P.No.2609/2020 dated 06.03.2023, which is placed on record at Annexure-A.

3. A perusal of the order of the learned Single Judge would indicate that complainants/petitioners have submitted their representations all dated 01.01.2020 to the respondent-Bank and the same is not attended by the respondent-Bank for a considerable length of time. Hence, learned Single Judge directed the respondent-Bank to consider the representations made by the petitioners in accordance with law, within an outer limit of eight weeks from the date of the receipt of the copy of the order.



4. The complainants/petitioners submitted that they furnished the decisions of the Hon'ble Apex Court in the case of **STATE BANK OF PATIALA VS. PRITAM SINGH BEDI AND OTHERS** reported in **(2014) 13 SCC 474** along with their representations to the respondent i.e., The Head (H.R. Operations), Bank of Baroda, Head Office on 28.03.2023. The documents placed on record further show that respondent-Bank has decided the representations of the petitioners and communication dated 10.04.2023 to that effect was forwarded to all the petitioners on 10.04.2023. Copy of these communications by the authority are produced at Annexures-E, F and G respectively at page nos. 69, 71, 73 of the contempt petition.

5. Learned counsel for the complainants/petitioners submits before this Court that though the petitioners apprised the concerned authority that the issue concerning them is covered by a judgment of the



Hon'ble Apex Court in the case of **STATE BANK OF PATIALA VS. PRITAM SINGH BEDI AND OTHERS** reported in **(2014) 13 SCC 474** and were anticipating a positive decision with regard to their representations and as representations of the complainants are negatively decided by the authority, the submission of the learned counsel is, the decision taken by the authority is contrary to law and is itself breach of the order of the learned Single Judge.

6. We are unable to accept the submission of the counsel for the complainant. Whether the conclusion drawn by the authority is proper or otherwise, is certainly an exercise of assessing the order or the decision passed by the authority on its own merits. Even though the petitioners submitted certain judgments in support of their claims, the respondent-Bank by assigning the reasons, particularly, understanding about the Regulations and Rules, arrived at a particular conclusion and if the



complainants/petitioners are aggrieved by the same, they are at liberty to challenge the said decision of the authority before the competent forum including the judicial forum. But assessment of the decision by the authority on its merits cannot be gone in the present contempt petition by expanding the scope of the contempt petition.

7. Accordingly, in our view the contempt petition is filed on an erroneous premise and assumption of the complainants. As such, we are unable to accept the complaint contempt. Thus, reserving liberty to the complainants/petitioners to challenge the decision arrived at by the authority, the contempt petition is disposed of.

**Sd/-  
CHIEF JUSTICE**

**Sd/-  
JUDGE**

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