

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CONTEMPT PETITION NO. 330 OF 2015
IN WP/1539/2001

JAISING KISHANRAO BHADRE
VERSUS
PITAMBAR BHIMSING NAIK

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Advocate for Petitioner : Shri Munde Ashok A
Advocate for Respondent : Shri Dhongde A.B.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: July 24, 2015

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PER COURT :-

1. While issuing show cause notice on 1.7.2015, this Court had passed the following order:-

“1. The petitioner points out paragraph No.25 of the judgment dated 24/07/2014 delivered by this Court in WP No.1539/2001 with WP No.838/2000. Paragraph No.25 reads as under :

“ In the light of above observations, Writ Petition No.1539 of 2001 is allowed and the respondent - Corporation is directed to work out the benefits, which are payable to the present petitioner considering that he was in continuous employment till date of his superannuation. Break in service, if any, in the light of decision narrated hereinabove should be ignored and it be treated that the petitioner was continued in service till date of his superannuation. However, petitioner

employee will not be entitled for any back wages.”

2. The petitioner's grievance is that the said direction has still not been complied with by the respondent despite knowledge of the said order and despite being liable to implement the same. Several representations made by the petitioner pursuant to the said judgment are placed on record.

3. Issue show cause notice to the respondent, returnable on 24/07/2015. The respondent is at liberty to file an affidavit.”

2. Shri Dhongade, learned Advocate has appeared on behalf of the respondent. An affidavit in reply is tendered. The respondent is present in the Court.

3. Shri Dhongde submits, in the light of the affidavit, the order at issue has been complied with. In the event of any shortfall in payment of legal dues, the petitioner may point out by making an application within two weeks from today and the same will be considered within four weeks thereafter. He further submits that the respondent has every regard and respect for every Court and has tendered an unconditional apology in paragraph No.2 of the affidavit. Same is accepted.

4. Learned Advocate for the petitioner submits on instructions from the petitioner who is present in the Court that this petition be disposed off and in the event there is any short fall in the payment he would make a proper application as observed above.

5. In the light of the above, this petition is disposed off.

(RAVINDRA V. GHUGE, J.)

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akl/d