

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

CONTEMPT PETITION NO. 387 OF 2013

[Gangadhar s/o Manika Salve vs Amarsinh D. Chavan and ors.]

IN

WRIT PETITION NO. 1758 OF 2011

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or
directions and
Registrar's orders

Court's or Judge's orders

Shri M.V.Ghatge, advocate for the petitioner

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CORAM : V.M.DESHPANDE, J.

DATED : 28th January, 2015

PER COURT :-

1] Learned Member of the Industrial Court, Jalna allowed a complaint ULP No. 146 of 2009 filed by the present petitioner and directed the present respondents to make him permanent on the post of driver.

2] The present respondents filed a Writ Petition before this court i.e. Writ Petition No. 1758 of 2011. The said Writ Petition is admitted by this court on 11.4.2011 and it is pending for final hearing. Paragraphs 4 and 6 of the said order read as under :-

“4] As the vacancy was never notified and respondent was given work initially on daily wages and thereafter on contract basis, the direction given by the Industrial Court, to make him permanent on the post of Driver, is hereby stayed. However, that does not enable the petitioners to terminate services of the respondent. His employment as before shall be continued until further orders of this court in the matter.

6] The petitioners to take suitable steps in this respect as early as possible and in any case within period of eight weeks from today.”

3] Learned counsel for the petitioner submitted that presently the petitioner is in service. No exception can be taken out petitioner being on temporary post, because this court while admitting the petition on 11.4.2011 has granted stay to make him permanent.

4] According to the learned counsel for the petitioner, the respondents have committed contempt of the directions given by this court in Writ Petition on 11.4.2014 as incorporated in paragraph nos. 4 and 6 of the said order.

5] After hearing the counsel and looking to the fact that the present petitioner is in service, as also the respondents have already taken steps to which

there is a reply from the State Government, dated 1.6.2011, I am of the considered view that the respondents cannot be held that they have committed the contempt of the order, dated 11.4.2014 passed by this court.

6] Hence, the petition is dismissed.

[V.M.DESHPANDE, J.]

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