

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CONTEMPT PETITION NO. 426 OF 2014
IN
WRIT PETITION NO. 7441 OF 2013**

Yashwant Gangaram Patingrao .. Petitioner

Versus

S. S. Sandhu .. Respondent

Shri Shivaji T. Shelke, Advocate for the Petitioner.

Shri P. M. Shah, Senior Counsel i/by Shri G. K. Thigle, Addl.G.P.
for the Respondent.

**CORAM : S. V. GANGAPURWALA AND
V. L ACHLIYA, JJ.**

DATE : 25TH FEBRUARY, 2015.

PER COURT :

. Mr. Shelke, the learned counsel for the petitioner states that, this Court vide order dated 29th April, 2014 in Writ Petition No. 7441 of 2013 had directed the respondent No. 2 therein to consider the case of the petitioner afresh in the light of the judgment and order passed by the Labour Court, Aurangabad in Complaint ULP No. 126 of 1986 and the communication dated 28.09.2010 issued by the respondent No. 2 therein was set aside. The respondent No. 2 that is the present respondent has decided the case of the petitioner in contrary manner and without

adhering to the directions given by this Court vide order dated 29.04.2014 in Writ Petition No. 7441 of 2013. In the light of that, the respondent has committed contempt of the order passed by this Court and is liable to be punished in accordance with law.

2. Mr. Shah, the learned senior counsel for the respondent submits that, pursuant to the directions given by this Court in Writ Petition No. 7441 of 2013, the respondent has considered the case of the petitioner and has passed an order. The respondent has not committed any contempt of the order of this Court and nor has any intention to commit contempt of the order of this Court. The respondent has highest respect and regard to the orders passed by this Court. The respondent has passed the order as per his wisdom, bonafide, in good faith and in performance of his official duties. The case has been considered on its own merits and after giving opportunity of hearing to the petitioner and the said order is also assailed by the petitioner in subsequent writ petition.

3. We have considered the submissions canvassed by learned counsel for respective parties. For contempt jurisdiction to be invoked a party has to show that there is willful and deliberate disobedience of the order passed by this Court. The respondent after hearing the petitioner, as per the directions of this Court has decided the case afresh. In contempt petition it need not be

considered whether order passed by the respondent is correct or erroneous. The respondent in his wisdom has passed the order. It is for the Court to consider the veracity and the legality of the said order passed, which the petitioner has already assailed subsequently by filing a writ petition.

4. We do not find that, there was a willful or deliberate attempt on the part of the respondent to disobey the order passed by this Court. The respondent has passed the order after hearing the petitioner. In the light of that, the contempt stands purged. The contempt petition stands disposed of. No costs.

[V. L ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]