

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

**CONTEMPT PETITION NO. 537 OF 2012  
IN  
WRIT PETITION NO. 8262 OF 2009**

DILIP BHIKAJI LONDHE

V/S

HEMANT DIKE, THE GENERAL MANAGER,  
KINETIC ENGINEERING LTD. AND ORS.

.....

Mr. K.M.Nagarkar, Advocate for Petitioner.

Mr. V.D.Salunke h/f Mr. V.S.Bedre,  
Advocate for R – 1 & 4.

.....

**CORAM : V.M.DESHPANDE, J.**

**DATE : 2<sup>nd</sup> MARCH, 2015**

.....

**PER COURT :**

1. The present Contempt Petition is filed by the petitioner with following prayers :

*“ [A] The contempt may kindly be allowed.*

*[B] The respondents may kindly be*

*punished/dealt as per Contempt of Court Act, 1971 in view of the order passed by this Hon'ble High Court in Writ Petition No. 8262/2009 dated 14/03/2011 arising out of order passed by the learned Member, Industrial Court, Jalna Camp at Ahmednagar in Complaint [ULP] No. 589/1995 dated 23/07/2008 and in view of the facts and circumstances mentioned in the contempt petition and in the interest of justice.*

*[C] To direct the respondent authority to deposit the amount of salary by treating the petitioner permanent in service as per order passed by the learned Industrial Court, Jalna Camp at Ahmednagar in particular clause No. 3 since the year 01/03/1987 till this date with 18 % interest thereon within the period of two weeks from the date of order pass by this Hon'ble Court in view of the facts and circumstances mentioned in the Contempt Petition and in the interest of justice.*

*[D] To quash and set aside the Judgment and Order dated 06/10/2012*

*in Criminal Complaint [ULP] No. 14/2011 passed by learned Labour Court, Ahmednagar in view of the facts and circumstances mentioned in Writ Petition and in the interest of justice.*

*[E] Any other relief may kindly be granted in favour of the petitioner in the interest of justice.*

2. The present petitioner, initially, filed Complaint before the Industrial Tribunal at Jalna for his regularization. The said Complaint was registered as Complaint [ULP] No. 589/95. The learned Member of the Industrial Tribunal, Jalna Camp at Ahmednagar passed order dated 23/07/2008, whereby the Member, Industrial Tribunal allowed the Complaint filed on behalf of the petitioner and it was found by the Industrial Tribunal that the respondents were indulged into unfair labour practice and, therefore, directions were issued by Industrial Court..

3. Feeling aggrieved thereby, the respondents herein preferred Writ Petition before this Court. The said Writ Petition was registered as Writ Petition No. 8262 of 2009 and this Court on 14/03/2011 dismissed the Writ Petition by noticing that there is no jurisdictional error or perversity in the order of the Industrial Tribunal passed in Complaint [ULP] No. 589/95.

4. The present petitioner thereafter initiated proceedings u/s 48 of the M.R.T.U. and P.U.L.P. Act before the Judge, Labour Court at Ahmednagar vide criminal Complaint [ULP] No. 14/2011. The learned Judge, Labour Court at Ahmednagar dismissed the said Complaint on 06/10/2012. Against the said Judgment, no further proceedings were carried by the petitioner except the present Contempt Petition.

5. According to the learned counsel for the petitioner, the learned Judge of the Labour Court has exceeded his jurisdiction while deciding Complaint [ULP] No. 14/2011. He has relied upon the decision of Hon'ble Apex Court in the case of Director of Education, Uttaranchal and others Vs. Ved Prakash Joshi and others, AIR 2005 Supreme Court 3200 and in the case of Arun Paswan, s.i. Vs. State of Bihar and others, AIR 2004 Supreme Court 721. Worth to note, both these 2 cases are arising out of Contempt of Courts Act.

6. In the present case, no directions were issued by this Court while dismissing Writ Petition No. 8262 of 2009. The Writ Petition filed on behalf of the employer was dismissed. The statement made on behalf of the employer that against the dismissal of Writ Petition No. 8262 of 2009, they have already preferred L.P.A. The L.P.A. is still pending. Be that as it may. The petitioner has chosen path of preferring Complaint u/s 48 of the M.R.T.U. and P.U.L.P. Act. The said Complaint is dismissed. In that view of the matter, the remedy as provided under M.R.T.U. and P.U.L.P. Act has

to be taken recourse of by the present petitioner. Further, while dismissing the Writ Petition filed on behalf of the respondent, no directions were issued by this Court. No orders of this Court are flouted by the respondents by which it could be said that the respondents can be proceeded with under the provisions of Contempt of Court Act.

7. Hence, the present Contempt Petition is dismissed. Needless to mention, the petitioner is at liberty to take steps as advisable to the petitioner in law.

**[V.M.DESHPANDE, J.]**

KNP/C.P. 537.2012 in W.P. 8262.2009