

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

CONTEMPT PETITION NO. 163 OF 2014

Bhosale Ashok Laxman

... Petitioner

v/s

Ghate Deepak Bhausahab & ors.

... Respondents

Mr.Rajaram Deshmukh for the petitioner.

Mr.A.I. Patel, A.G.P. for respondent Nos.2 and 3.

***CORAM: SMT. VASANTI A. NAIK &
SHRI C. V. BHADANG, JJ.***

DATED : 13TH FEBRUARY, 2015

P.C.:

Heard.

By this contempt petition, the petitioner seeks action against the respondent No.1 under the provisions of the Contempt of Courts Act for wilful disobedience of the order dated 22nd February, 2013.

It is stated that though Condition No.1 imposed by the respondent No.3 in the appointment order dated 30th December, 2011 was set aside by this Court, and this Court held that the petitioner was entitled to the salary, the respondent No.1 is still acting on Condition No.1. It is stated that the petitioner is not

granted permanent approval though some of the other employees are granted approval.

Mr.Patel, the learned Assistant Government Pleader states, by referring to the affidavit in reply filed by Mr.Deepak Ghate, Assistant Commissioner, Social Welfare, Sangli, Dist. Sangli, that the respondents have not imposed condition No.1 after the order dated 22nd February, 2013 was passed by this Court and the arrears of salary are also paid to the petitioner. It is stated that, if the petitioner has a grievance in regard to the denial of approval to the appointment of the petitioner, the petitioner is free to take appropriate steps, but that cannot be a matter of contempt.

On hearing the learned counsel for the parties, it appears that the petitioner has not made out any case for initiating action against the respondents under the provisions of the Contempt of Courts Act. The respondents have clearly stated that Condition No.1 does not stand in the order dated 30th December, 2011 and the respondents are not acting upon the said condition after the order in Writ Petition No.11 of 2013. It appears that the arrears of salary is also paid to the petitioner. Though the respondents had obeyed the order dated 22nd February, 2013, it appears that the petitioner has approached this Court merely with a view to seek the approval. This Court had not directed by the order dated 22nd February, 2013 that the approval be granted in favour of the petitioner. In that view of the matter, no case for initiation of the

action under the provisions of the Contempt of Courts Act is made out.

In view of the aforesaid, we dismiss the contempt petition with no order as to costs. The notice stands discharged.

(C. V. BHADANG, J.)

(VASANTI A. NAIK, J.)