

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

**CONTEMPT PETITION NO. 311 OF 2013
IN
WRIT PETITION NO. 2441 OF 1995**

Kishore Kondiram Jagade and ors. ... Petitioners

Vs.

Maharashtra State Road Transport
Corporation and ors. ... Respondents

Mr. Shishir Joshi a/w Ms. Madhu Giraskar i/by Mr. Yatin Shah,
Advocate for the petitioners.
Mr. G. S. Hegde a/w Mr. C. M. Lokesh i/by Hegde and Associates,
Advocate for respondents No.3,4,5,6 & 8.

Coram : Smt. R. P. SondurBaldota, J.

Date : 14th August, 2015.

P.C. :

1. By this petition the petitioner employees seek to commit the respondents for contempt of Court on account of breach of the order dated 25th April, 1995 passed by the Industrial Tribunal, the order dated 2nd August, 2001 passed by this Court and the order dated 28th August, 2009 passed by the Hon'ble Supreme Court. The petitioners also seek a direction to the respondents to purge the contempt by complying with the three orders.

2. The petitioners had filed Complaints (ULP) No. 542 and 574 of 1991 by invoking items 5, 6 and 9 of Schedule IV of the Maharashtra Recognition of Trade Union and Prevention of Unfair

Labour Practice Act, 1971 ('MRTU and PULP Act' for short). By the judgment and order dated 25th April, 1995, the Industrial Tribunal held that respondent No.1 had committed unfair labour practice under item No.5 of Schedule IV of MRTU and PULP Act and directed respondent No.1, to pay the arrears of wages from the date of filing of the complaint till the date on which the wages had directed to be paid by the order. Respondent No.1 challenged the order of the Industrial Tribunal vide Writ Petition No.1441 of 1995. The petitioners had also filed Writ Petition No.2442 of 1995 against the same order to challenge the finding of the Industrial Tribunal that unfair labour practice under items No.6 and 9 of Schedule IV of MRTU and PULP Act, was not proved. Both the petitions were disposed by this Court by its order dated 2nd August, 2001. The petition filed by the petitioners was partly allowed holding that the complaint of the petitioners of unfair labour practice under item 6 of Schedule IV of MRTU and PULP Act, was maintainable and respondent No.1 was directed to give all the benefits of permanency to the petitioners including salary and allowances. The respondents carried the order further by preferring Letters Patent Appeal No.204 of 2001 and Letters patent Appeal No.206 of 2001. Both the Letters Patent Appeals were dismissed by the order dated 6th May, 2005. The respondents then approached the Apex Court by filing Special Appeals No.3433 to 3437 of 2007 without any

success. The special leave petitions came to be dismissed by the Apex Court on 28th August, 2009.

3. The petitioners allege that the respondents thereafter have not complied with the directions given by the Industrial Tribunal and this Court. Perusal of the allegations shows that it is not even the case of the petitioners that there is total non-compliance of the orders, in question. Admittedly 14 out of 18 petitioners have received the entire amount due to them under the orders. Petitioners No.4 to 7 have raised dispute as regards the quantum of the amount payable to them. They contend that calculation of the arrears payable to them made by the respondents is incorrect and they are entitled to receive amount more than what is paid to them. The respondents have filed reply to the petition and also produced the relevant documents disclosing the amounts been paid to all the petitioners including petitioners No.4 to 7.

4. The above undisputed facts clearly establish that there is no breach of the Courts orders by the respondents much less deliberate or intentional and the present petition is a misconceived application. This can in fact be described as an attempt to pressurise the respondents to meet with the demands of petitioners No.4 to 7. Any dispute about the quantum of the amount payable to petitioners No.4 to 7 cannot be resolved by way

of contempt proceedings. Such proceedings being of quasi-criminal in nature, it is necessary that the breach alleged must be specific, clear and complete in addition to be deliberate and intentional. The breach alleged does not fall in that category. Hence, the petition is dismissed.

(Smt. R. P. SondurBaldota, J.)