

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO. 289 OF 2012
IN
WRIT PETITION NO. 2556 OF 2010

Girish Shantikumar Antad and Ors.

.....Petitioners

: V/S :

1. Commissioner, Solapur Municipal
Corporation, Indra Bhavan, Solapur
and Ors.

.....Respondents

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Mr. Ashok B. Tajane, Advocate for the petitioner.

Mr. Sidharth Gadwe h/f. Mr. Vijay Killedar, Advocate for the respondent.

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

28th July, 2015.

P.C. :-

1). The petitioners were respondents to Writ Petition No. 2556 of 2010 which was disposed off by the order dated 5th September, 2011. The dispute in the petition related to transfer of the petitioners from the Health Department to Transport Department. One of the grievances of the petitioners was that, on the transfer from the Health Department to the Transport Department, they would loose certain benefits available to them. The petition was disposed off on the basis of the statements made by both the sides. The petitioners made a statement that, they

were willing to work in Transport Department provided the salary and benefits receivable from the earlier post i.e. from the Health Department is protected. The respondent, Corporation made a statement that, they would get the same salary and benefits and that when the terminal benefits are computed, they will not, in any way, be adversely affected. The petition was then disposed off in view of the statements made by modifying the order of the Industrial Court accordingly. The second direction contained in the order, was to the respondent Corporation to consider and dispose off the representation/application, if any, made by the petitioners for payment of arrears of certain benefits claimed by them. The order dated 5th September, 2011 records that, in the event, the petitioners make any claim or representation, the respondent would decide the same within a period of 4 weeks from the date of receipt of the representation. It appears that, the petitioners have made a representation and the respondents have rejected the same. The petitioners allege that, despite agreeing to pay the same salary and the benefits, the respondent has not made the payment in accordance to the statement. They allege that, the respondents have paid them salaries as per that payable to the persons working in the transport section. Therefore, they filed the Contempt Petition.

2). As regards the first alleged breach relating to maintaining

the same salary, even after the transfer, the petition as filed is completely devoid of particulars. It does not even state the details of the salary received by them and of the salary or benefits payable in the Health Department. In the circumstance, it will not be possible to maintain an action for contempt against the respondent. It would amount to committing them on vague charge. Further, there is no specific direction given as regards such payment and in any case, the petitioner can always file proceedings for demand of the difference in the salary. As regards consideration of the representations, there is no dispute that the respondent has considered the same. Merely because, the respondent has rejected the representation, it cannot be said that they are in violation of the order of the Court. Hence, the Contempt Petition is dismissed.

(SMT. R.P. SONDURBALDOTA, J)