

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.435 OF 2012

Myrtle Monica Lewis ... Petitioner.
vs.

N.B. Chavan
(Dy. Director of Education, Mumbai
and Others) ... Respondents

Mr. Vishal Jagwani i/b. Mr. S.N. Masih, for the Petitioner.
Ms. Anupama Shah, for Respondent Nos. 3 and 4.

CORAM: **MRS.MRIDULA BHATKAR, J.**

DATE: **7th DECEMBER, 2015**

P.C.:

. The Petitioner files this Contempt Petition on the ground that Respondents have breached the order dated 18th February, 2012 passed by the Presiding Officer, School Tribunal, Mumbai. By the said order the Presiding Officer has directed the Respondent/Management to pay the Petitioner the difference of salary from the date of termination till the date of her retirement with all other retirement benefits. However, today the learned counsel for the Respondents produces the order passed on 4th September, 2014 by this Court (Shri. N.M. Jamdar, J.) in Writ Petition NO. 936 of 2014.

2. I perused the impugned order. Para Nos. 3 and 4 of the said order are as follows:

Para 3. Accordingly the Petitioner will pay the amount to the Respondent No. 2 as per the directions of the School Tribunal reproduced above, by taking the monthly salary of Rs. 15,500/-.

Para 4. As regard the claim of the Respondent No. 2 for gratuity is concerned, the learned counsel for the Petitioner submits that the Respondent No. 2 may not be entitled to gratuity. The learned counsel for the Respondent No. 2 asserts that the Respondent No. 2 is entitled to gratuity. This issue is left open for the Competent Authority under the Payment of Gratuity Act to decide. It is open for the Respondent No. 2 to make an application for that purpose. If any question of limitation arises in that regard, the Competent Authority will consider the matter favourably.

3. In view of the order passed in the Writ Petition No. 936 of 2014, the Contempt Petition does not survive, hence disposed of.

(MRS.MRIDULA BHATKAR, J.)