

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION***

***CONTEMPT PETITION NO. 21 OF 2014  
IN  
WRIT PETITION NO. 825 OF 1997***

Shirish Ramkrishna Kale

... Petitioner

v/s

Municipal Corpn. Of Gr. Mumbai & ors.

... Respondents

Mr.Prashant G. Karande for the petitioner.

Mr.S.S. Pakale along with Ms.Shobha Ajitkumar for the respondent  
BMC.

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

***DATED : 30 JANUARY 2015***

***P.C.:***

Heard.

By this contempt petition, the petitioner seeks action against the respondents under the Contempt of Court Act. According to the petitioner, the respondents have wilfully disobeyed the order of this Court dated 23 February 2011 in Writ Petition No.825 of 1997. It is stated that this Court had directed the respondents to consider the correct Confidential Reports of the petitioner for the year 1984 to 1989 within a period of three months and communicate the

decision on the promotion of the petitioner, to the petitioner. It is stated that the respondents have considered the Confidential Reports of the years 1984 to 1988 and have not considered the Confidential Report of the year 1989. It is further stated that the correct Confidential Reports are not considered as the petitioner was not communicated with the Confidential Reports.

On hearing the learned counsel for the parties, it appears that no case is made out by the petitioner for initiating action against the respondents under the provisions of Contempt of Courts Act. The respondents have considered the Confidential Reports of the petitioner for the years 1984, 1985, 1986, 1987 and 1988. The order of which the contempt is alleged, clearly mentions that the Confidential Reports for the year 1984 to 1989 would be taken into consideration. Since the petitioner has sought the deemed date promotion with effect from 16<sup>th</sup> January 1989, there was no question of considering the Confidential Report of the year 1989 as the date on which the petitioner had sought deemed date promotion was at the beginning of the year 1989. No case for initiating action against the respondents under the Contempt of Court Act is made out.

The contempt petition is dismissed with no order as to costs.

*(C. V. BHADANG, J.)*

*(VASANTI A. NAIK, J.)*