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

CONTEMPT PETITION No. 73 OF 2013

IN

APPEAL No. 594 OF 2012

IN

WRIT PETITION No. 424 OF 2012

Sadhana Andhalkar ... Petitioner

Vs.

The Mun. Corporation of Greater
Mumbai and Ors.

... Respondents

The Petitioner in person.

Mr. V. Y. Sanglikar, i/b M/s. Shaila M. Joshi & Jenal B. Busa, for the
Appellant in APP No. 594/2012. for Respondents.

Mr. Suresh Pakale, Surekha Sonawane, for the Respondent-
Corporation.

CORAM : V. M. KANADE, &
REVATI MOHITE DERE, JJ.

DATE : NOVEMBER 26, 2015

PC.

1. We have heard the Petitioner appearing in person.
In view of the affidavit in reply dated 3.12.2014, in our view, there is a
specific compliance of the order passed by this Court. Therefore, no
case for contempt is made out.

2. The case of the Petitioner is that as per order dated 10th

September, 2012, she be treated as if she is in service and she should be given all benefits, which she was entitled by treating her as on duty without any break in service from 8.11.2009 till 7.8.2012. According to her, yet, she has not been given time bound promotion, for which she was due and entitled as per the circular, which has been issued pursuant to a Government Resolution. It is submitted that the Respondents have not made her pay fixation, though she has passed the requisite examination, which benefits have been accrued to her on her passing examination. The Respondents in their affidavit in reply dated 3.12.2015 have stated that they are processing the time bound promotion of the Petitioner, on merits and in accordance with law.

3. In our view, so far as these grievances are concerned, they constitute a fresh cause of action, and the Petitioner is always at liberty either to file notice of motion seeking clarification of the order and / or file separate petition. If a fresh writ petition or a notice of motion seeking clarification is taken out by the Petitioner, her contention and contention of the Corporation shall be taken into consideration afresh on merits and in accordance with law. All contentions raised by both parties are kept open.

4. Another grievance made by the Petitioner is that though she is paying housing loan, the tax benefits for the same has not been given by the Respondent-Corporation by reducing the income tax, which is payable by her. In affidavit in reply dated 3.12.2014 the Respondents have stated that since there is no entry in her service record about payment of monthly installment of housing loan, such payment benefit has not been given to her. We direct the Petitioner to make an appropriate application to the Respondent-Corporation and bring on record the payments towards the housing loan which she has availed and the Corporation shall then accordingly give the tax benefit to the Petitioner from the date on which she has availed housing loan.

5. It is clarified that as directed by us one month salary for December, 2013 shall be paid to the Petitioner by the Corporation. Contempt petition is accordingly disposed of in the aforesaid terms.

Sd/-

[REVATI MOHITE DERE, J.]

Sd/-

[V. M. KANADE, J.]

Vinayak Halemth