

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CONTEMPT PETITION NO. 62/2015 IN WRIT PETITION NO.1141/2014 (D)
(PUNDLIK LAXMAN PENDAM & OTHERS **VERSUS** JITENDRA NANAJI CHAUDHARI, PROJECT
OFFICER, INTEGRATED TRIBAL DEVELOPMENT PROJECT, CHIMUR & ANOTHER)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Pankaj Jibhkate, counsel for the petitioner.
Ms T.H. Udeshi, A.G.P. for the R-1.

CORAM : SMT. VASANTI A. NAIK AND
PRASANNA B. VARALE, JJ.

DATE : JUNE 24, 2015.

By this petition, the petitioners seek action against the respondents under the provisions of Contempt of Courts Act, 1971 for willful disobedience of the directions issued by this Court on 07.10.2014 in Writ Petition No.1141 of 2014.

It is stated on behalf of the petitioners that though this Court had accepted the statement made by the learned Assistant Government Pleader that the unpaid salary would be paid to the petitioner within a period of six weeks after completing the formalities, the arrears have not been paid to the petitioners till date.

The respondent nos.1 and 2 have filed an affidavit-in-reply. It is stated in the affidavit that the Headmaster had forwarded the bills for the period from June-2010 to September-2011 and the arrears for the said period have already been paid to the petitioners. It is stated that for the period from May-2009 to June-2010 and January-2013 to October-2014, it was noticed on the scrutiny of the bills that the bills were not in accordance with the Ashramshalarth Vetan Pranali and the Headmaster was, therefore, asked to remove the deficiencies and resubmit the bills. It is stated that the bills have been resubmitted on 15.04.2015. It is

stated that the said bills are sent by the respondent no.1 to the respondent no.2 for the needful on 10.06.2015 and the arrears in respect of the said bills would also be paid within a period of one month.

On a perusal of the affidavit-in-reply filed on behalf of the respondent nos.1 and 2, we do not find that the respondents have deliberately and intentionally disobeyed the order of this Court. The bills were submitted belatedly to the respondent-Authorities by the Headmaster and after removing the deficiencies, the bills were resubmitted on 15.04.2015. In view of the necessary procedure, the bills were required to be submitted by the respondent no.1 to the respondent no.2, for approval. Since the arrears of salary have not been paid to the petitioners due to the procedural formalities that were required to be completed, the respondents cannot be proceeded against under the provisions of the Contempt of Courts Act, 1971.

Hence, by again accepting the statement made by the learned Assistant Government Pleader on instructions from the respondent no.1 that the arrears of unpaid salary would be paid to the petitioners within a period of one month, we dispose of the contempt petition with no order as to costs.

JUDGE

JUDGE

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