

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CONTEMPT PETITION NO.70/2014

IN

WRIT PETITION NO.4303/2002 WITH C.A.W. NO.2391/2013 (D)

Govind s/o Balwant Bobde

..Versus..

Sudhakar s/o Wasudeo Bhalerao and another

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

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATE : 28.10.2015

Heard Shri V.G. Bhamburkar, advocate for the petitioner, Shri A.D. Mohgaonkar, advocate for the respondent no.1 and Shri A.Y. Kapgate, advocate for the respondent no.2.

The grievance of the petitioner is that the respondents have been wilfully disobeying the directions given by this Court in the judgment given in Writ Petition No.4303/2002 on 26th September, 2013. According to the petitioner, though the Management and the Education Department were directed to extend all the benefits available to the petitioner after fixing his seniority as held in the judgment, the Management and the Education Department had not taken any steps in the matter.

It is undisputed that after this Court issued notice to the respondents, the respondent no.1 paid an amount of Rs.1,22,461/- to the petitioner. The petitioner contended that he was entitled for Rs.3,00,000/-. In view of the dispute between the petitioner and the respondent no.1, the Education Officer (Secondary), Zilla Parishad, Nagpur was directed by the order dated 29th September, 2015 to calculate the amount for which the petitioner was entitled as per the judgment passed by this Court in Writ Petition No.4303/2002. Accordingly, the Education Officer (Secondary), Zilla Parishad, Nagpur filed an affidavit dated 16th October, 2015 stating that the petitioner is entitled for Rs.2,28,347/- as per the above referred judgment. The respondent no.1 gave cheque for the balance amount of Rs.1,05,886/- to the petitioner. The learned advocate for the petitioner states that the cheque has been encashed. In view of the above, the grievance of the petitioner does not survive.

However, from the submissions filed by the respondent no.1, I find that the explanation given by him for the delay in complying with the directions given by this Court is not satisfactory. Moreover, the respondent no.1 tried to mislead the Court by contending that the petitioner was entitled for an amount of Rs.1,22,461/- only. Though

the respondent no.1 justified the calculations made by the Management regarding the amount payable to the petitioner, by submitting that the amount is calculated on the basis of the date of approval which is granted by the Education Officer, in my view, the justification given by the respondent no.1 cannot be accepted.

Be that as it may, considering the fact that the respondent no.1 has paid the entire amount to the petitioner and has tendered unconditional apology, the notice of contempt is discharged. The petition is disposed of. However, in the circumstances, the respondent no.1 is directed to pay costs of Rs.10,000/- to the petitioner and Rs.10,000/- to the respondent no.2 - Education Officer and produce the receipt on the record of this contempt petition within four weeks.

C.A.N. NO.65/2015.

In view of disposal of the contempt petition, the civil application seeking permission to add the respondents is rendered infructuous and it is disposed of accordingly.

JUDGE