

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

CONTEMPT PETITION NO.234 OF 2014

IN

WRIT PETITION NO. 4012 OF 2013 (D)

Adityakumar S/o Surajprasad Gupta

-vs-

Shri S.M.Haste, Dy. Director of Vocational Education & Training, Regional Officer, Nagpur & ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. H.A. Deshpande, counsel for the petitioner.
Mr. A.M. Deshpande, AGP for the respondent No.1.
Mr. N.M.Jibhkate, counsel for the respondent Nos.2 and 3.

CORAM : SMT. VASANTI A. NAIK &
A. I. S. CHEEMA, JJ.

DATE : 15.10.2015.

By this contempt petition, the petitioner seeks action against the respondents for willful disobedience of the directions issued by the order, dated 29/04/2014 in Writ Petition No.4012 of 2013.

It is stated on behalf of the petitioner that though the respondents were directed to immediately grant approval to the appointment of the petitioner from 2002 onwards, the approval to the appointment is not granted within a reasonable time. It is further stated that though the respondents were directed to release the arrears of salary of the petitioner with effect from 17/01/2012 within a period of one month and pay the regular salary of the petitioner thereafter, the respondents did not release the arrears of salary with effect from 17/01/2012 within a period of one month. It is stated that the salary is also not paid to the petitioner in accordance with law. It is stated that while some of the other

similarly situated employees are getting much higher salary, the petitioner is receiving a lesser amount. It is stated that the pay of the petitioner is not yet fixed by the respondents.

Shri Deshpande, the learned Assistant Government Pleader appearing on behalf of the respondent No.1, states that there is some delay in issuing the orders of approval to the appointment of the petitioner from 2002 onwards and there is also some delay in releasing the arrears of salary to the petitioner with effect from 17/01/2012. It is stated that there were some deficiencies in the proposal sent by the respondents-Management and hence some time was required to take appropriate steps in furtherance of the order of which the contempt is alleged. It is stated that the petitioner was admittedly out of service for a period of nearly ten years and the petitioner may not be entitled to salary on par with the other employees.

On hearing the learned counsel for the parties and on a perusal of the order of which the contempt is alleged, it appears that there is no cause for proceeding with the contempt petition, any longer. It appears that even before filing of the contempt petition, approval was granted to the appointment of the petitioner with effect from 2002 and after filing of the contempt petition, the arrears of salary were paid to the petitioner, with effect from 17/01/2012. It appears that a sum of Rs.9,82,534/- has been paid to the petitioner towards arrears of salary with effect from 17/01/2012. We had not decided in the order of which the contempt is alleged, whether the petitioner would be entitled to all increments and/or whether the petitioner would get all the benefits for the period during which the petitioner was out of service for a period of ten years. In the absence of any finding in this regard and in the absence of any such direction to the respondents, the petitioner cannot effectively canvass in the contempt petition that the respondents have not paid the arrears of salary to the petitioner, in accordance with law. If the petitioner

has a grievance about non-payment of proper salary, the petitioner has other remedies. However, that cannot be a matter of contempt.

In the circumstances of the case, we dispose of the contempt petition with no order as to costs.

CIVIL APPLN. (N) NO.86 OF 2015

In view of the disposal of the contempt petition, the civil application stands disposed of.

JUDGE

JUDGE

KHUNTE