

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

CONTEMPT PETITION NO.77/2005 IN WRIT PETITION NO. 2640/2002 (D)
(SATTAR ROSHAN SHEIKH VERSUS S.G. JAGTAP, E.O. (PRIMARY) & OTHERS)

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

Court's or Judge's orders

Shri R.A. Haque, counsel for the petitioner.
Shri G.G. Mishra, counsel for the R-1.
Shri M.K. Pathan, A.G.P. for the R-4.

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

DATE : DECEMBER 22, 2015.

By this contempt petition, the petitioner seeks action against the respondents for willful disobedience of the directions in the judgment dated 03.11.2004 in Writ Petition No.2640 of 2002.

It is stated that despite the specific directions to the respondents to reimburse the salary to the petitioner with effect from July-2000 till the date of the judgment, the respondents have not paid the arrears of salary.

It is stated in the affidavit-in-reply filed on behalf of the respondents that in pursuance of the directions issued by this Court, an amount of Rupees Thirteen Lacs and odd was payable to the petitioner towards the arrears of salary and the said amount has been duly paid to the petitioner inasmuch, as an amount of Rupees Eight Lacs was paid after deducting the amount that was liable to be recovered from the petitioner.

Shri Haque, the learned counsel for the petitioner, states that an amount of Rupees Sixteen Lacs and odd was payable to the petitioner and the respondents have wrongly paid an amount of Rupees Thirteen Lacs and odd only. It is stated that some amount is still due and payable to the petitioner.

We find on hearing the learned counsel for the parties that the directions issued by this Court have been substantially complied with. An amount of Rupees Thirteen Lacs and odd as determined by the respondents is paid to the petitioner. If the petitioner has any grievance in regard to the non-payment of any amount, which according to the petitioner is liable to be paid to him, the petitioner has other remedies. The continuation of the contempt proceedings would not be proper in the circumstances of the case.

In view of the aforesaid, we dispose of the contempt petition with no order as to costs.

JUDGE

JUDGE

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