

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

CONTEMPT PETITION NO.202/2014 IN WRIT PETITION NO.5298/2013

Ku. Asha Bhikhaji Gondane

..Versus..

Smt. Swarnalata B. Ghodeswar and others

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 : 15.6.2015

Heard Ms. V.S. Gordey, the learned advocate for the petitioner,
Shri H.N. Verma, the learned advocate for the respondent no.1 and
Shri N.S. Khubalkar, the learned A.G.P. for the respondents 2 and 3.

The petitioner/employee made grievance that the judgment passed by this Court in Writ Petition No.5298/2013 on 27th March, 2014 was not complied. It is submitted that the respondents have wilfully disobeyed the directions given by this Court and, therefore, they are liable for action under the Contempt of Courts Act, 1971. As per the directions given by this Court the amount was to be paid by the respondents 3, 5, 6, and 7 in that writ petition within four weeks from the date of judgment i.e. from 27th March, 2014. Shri Verma, the learned advocate for the respondent no.1 submits that the respondent

no.1 who was the officiating Education Officer at the relevant time bonafide felt that the respondent no.1 was required to pay 1/4th of the amount for which the petitioner is entitled and the balance 3/4th amount was required to be paid by the respondents 5, 6 and 7 in the petition. It is submitted that 1/4th amount was paid much before the filing of the contempt petition and, therefore, it cannot be said that there is wilful disobedience of the directions given by this Court.

As the entire amount has been paid by the Education Officer, after the matter was considered by the Deputy Director of Education and considering that the 1/4th amount was paid to the petitioner before the filing of the contempt petition, in my view, it cannot be said that there is any wilful disobedience of the directions given by this Court. I am not inclined to invoke the jurisdiction under the Contempt of Courts Act, 1971. The petition is disposed of. Notice of contempt is discharged. In the circumstances, the parties to bear their own costs.

JUDGE