

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

CONTEMPT PETITION NO.224 OF 2015

IN

WRIT PETITION NO.1628 OF 2004(D)

(Ku. Manjulata d/o Rajaram Vaishnav ..vs.. Shri Sitaram Agrawal, President of Shri Mahavir Marwadi School Society, Gondia 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.

DATED : 16-11-2015

Heard Smt. V.S. Gordey, learned Advocate for the petitioner, Shri Muzammil Hussain, learned Advocate for the respondent Nos.1 and 2 and Shri A.Z. Jibhkate, learned Advocate for the respondent No.3.

2. The grievance of the petitioner is that the management committed contempt of Court as the directions given by the School Tribunal in the order passed by it to pay the arrears of salary of the petitioner for the period from 15-01-1997 till 02-09-1998 within thirty days from 18-09-2000, were not complied with.

The management had challenged the order passed by the School Tribunal in Writ Petition No.1628/2004. This Court, by the order dated 06-04-2004 while directing issuance of notice, had granted an interim order which was continued while issuing Rule on 29-04-2005. The writ petition came to be decided on 05-05-2015. In the reply filed by the respondent Nos.1 and 2, it is stated that the arrears of salary as directed by the School

Tribunal have been paid to the petitioner on 20-08-2015.

The learned Advocate for the petitioner contends that the petitioner has been paid an amount of Rs.1,26,219/- which is not as per the order passed by the School Tribunal and that the petitioner is entitled for Rs.5,57,888/-. It is submitted that the Tribunal had passed the order on 18-09-2000 directing the management to pay the arrears of salary within thirty days and the interim order came to be passed by this Court on 06-04-2004 i.e. after almost three years and four months and there is no justification on the part of the respondent Nos.1 and 2 for not paying the amount within thirty days as directed by the Tribunal. .

3. Be that as it may, considering the fact that the management has paid the amount of Rs.1,26,219/- before the notice came to be issued in this contempt petition, I am not inclined to entertain the contempt petition. The contempt petition is disposed. The petitioner is at liberty to approach the Education Officer for adjudication of her claim for the difference of amount of arrears of salary, if any.

Civil Application No.113 of 2015.

In view of the disposal of the contempt petition, the civil application is rendered infructuous. It is disposed accordingly.

JUDGE