

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

C.A.O.NO.1681/2015 IN CPL NO.2/2015 IN
CP.NO. 248/2014 IN W.P.NO.6350/2013.

Shri Kishore Chaudhari, Education Officer Z.P. Nagpur.

-VERSUS-

Sau. Anu Lokhansingh Gujar and another.

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

Court's or Judge's Orders

CORAM : B.P.DHARMADHIKARI
& P.N. DESHMUKH, JJ.

DATE : OCTOBER 05, 2015.

Heard Shri G.G. Mishra, learned counsel
for the appellant, Shri A.Z. Jibhkate, learned Counsel
for respondent no.1 and Shri S. Wahane, learned
Counsel for respondent no.2.

2. Petitioner / employee in Contempt Petition
No.248/2014 is before this Court for vacation of stay.
Submission is, the appellant – Education Officer has
taken steps to implement the directions of learned
Single Judge, and as such he cannot be permitted to
take somersault and challenge that order.

3. During hearing, we find that the appeal

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has been preferred within limitation and filed before this Court on 23.07.2015. The learned Single Judge had asked the appellant to comply with the directions by 31.07.2015. The time was given orally.

4. In this situation, in order to avoid taking of undue haste, and by way of precaution, the appellant simultaneously also sought salary bills from the management. A letter for that purpose was issued either on 21.07.2015 or on 22.07.2015, but, in any case definitely before 23.07.2015.

5. As interference by this Court in Contempt Appeal or then by granting of interim direction protecting the interest of the appellant could not have been visualized with any certainty, the appellant has obviously acted bonafide. He was trying to protect the government revenue on one hand by filing appeal and on the other hand to avoid contempt of court by following it within the stipulated time. As such, issuance of letter in this matter cannot operate as estoppel for filing of such appeal. Application is thus, erroneous. The same is rejected. No costs.

JUDGE

JUDGE

Rgd.