

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CONTEMPT PETITION NO.224 /2014

IN

WRIT PETITION NO. 3779/2012

(Balajee Digambarrao Kotgire vs. Shri Rajendra Singh and others)

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

Court's or Judge's order

Petitioner in-person absent

Shri Anand Parchure, Advocate for the Respondent nos. 1 to 3 and 5

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

DATED : **12th October, 2015.**

By this Contempt Petition, the petitioner has sought action against the respondents under the provisions of the Contempt of the Court Act, for wilful disobedience of the judgment of this Court, dated 4.4.2014, in Writ Petition No. 3779/2012.

We have perused the Contempt Petition and heard the learned counsel for the respondents. We have also perused the judgment, of which the contempt is alleged. By the order of which the contempt is alleged, a direction was issued to the petitioner to appear before the respondents for hearing on 12.5.2014. The respondents was then

directed to pass appropriate orders within a period of six weeks after hearing the petitioner. The respondents were directed to treat the petitioner as 'under suspension' from 1.9.2011 till the order was passed on hearing the petitioner and the subsistence allowance was directed to be paid to the petitioner for this period. The petitioner was also permitted to withdraw the amount of subsistence allowance from the Bank. The respondents were directed to reinstate the petitioner in service with continuity and wages from 22.12.2004 if the petitioner was exonerated.

It is stated on behalf of the respondents that each and every direction issued by this Court, by the judgment of which the contempt is alleged, has been scrupulously followed by the respondents. It is stated that the petitioner appeared before the Disciplinary Authority on 12.5.2014 and after hearing the petitioner the decision to remove the petitioner was passed within a period of six weeks. It is stated that the petitioner was heard on 12.5.2014 and the petitioner was removed by the decision dated 21.6.2014 i.e. before the date of expiry of the period of six weeks, on 23.6.2014. It is stated that the subsistence allowance due and payable to the petitioner, is paid to the petitioner. It is further stated that the petitioner was also permitted to withdraw the subsistence allowance

that was lying in the Bank. It is stated that since the petitioner was removed from service, there was no question of reinstating the petitioner and granting any back wages to him. It is stated that the petitioner could have challenged the order of the Disciplinary Authority before the Appellate Authority but, instead of challenging the same, the petitioner has filed the Contempt Petition though the respondents have followed the order, of which the contempt is alleged.

On hearing the learned counsel for the respondents, we do not find any reason for proceeding with the Contempt Petition, any longer. The Disciplinary Authority had heard the petitioner on 12.5.2014 and within a period of six weeks therefrom, the order of removing the petitioner from service was passed, on 21.6.2014. According to the respondents, the entire subsistence allowance is paid to the petitioner. If the petitioner has any grievance in regard to the amount payable towards the subsistence allowance, the petitioner is free to raise the grievance before the appropriate forum/authority. The dispute in regard to the amount of subsistence allowance cannot be a matter for consideration in the Contempt Petition. Since the petitioner is removed from service, as rightly submitted on behalf of the respondents, there is no question of reinstating the petitioner and paying the back wages to him.

In the circumstances of the case, we dispose of the Contempt Petition, with no order as to costs.

JUDGE

JUDGE

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