

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CONTEMPT PETITION NO. 504 OF 2013
IN WP/64/2013
WITH CP/505/2013 IN WP/51/2013
WITH CP/576/2013 IN WP/49/2013

SUBHASH RANGNATH DABHADE
VERSUS
SAMPAT RAMRAO PATIL AND ANOTHER

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Advocate for Petitioners : Shri Shinde Prakash M.
Advocate for Respondents : Shri R.N.Dhorde, Sr. Advocate
i/b Shri Dhorde Vikram R.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: April 04, 2016
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PER COURT :-

1. I have heard the learned Advocate Shri Shinde for the petitioners and Shri R.N.Dhorde, learned Sr. Advocate on behalf of the respondents.
2. The issue is with regard to the judgment and order dated 7.2.2013, delivered by this Court in Writ Petition Nos. 64 of 2013, 51 of 2013 and 49 of 2013 respectively. The petitioners allege that the directions of this Court in the judgments dated 7.2.2013 by which the full backwages as granted by this Court have not been complied with.
3. Several disputed issues have been raised in the nature of failure to calculate the full backwages correctly, deductions carried out from the full backwages and emoluments not properly taken into account for calculating the 100% backwages. These disputed issues cannot be gone into in Contempt of Court proceedings, under the Contempt of Courts Act.
4. However, one issue raised by the petitioners can be resolved, while disposing of these petitions today, which is that the respondents have deducted the legal charges paid to the Advocate of the Bank for contesting the litigation against the petitioners, from the backwages granted to the petitioners. Legal charges of a practicing Advocate could not have been deducted from the backwages payable to the employees.

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5. Shri Dhorde submits that in all these three cases, if it is noticed that the legal charges are deducted from the backwages of the petitioners, the same would be refunded to the petitioners within three weeks from today.

6. In the light of the above, by recording the statement of Shri Dhorde, learned Sr. Advocate for the respondents that in case the legal charges of the Bank's Advocate are deducted from the backwages of the petitioner, same would be returned within three weeks, these petitions are disposed off.

7. Needless to state, barring the above issue, for which the statement is recorded as above, the petitioners are at liberty to initiate appropriate proceedings under the Industrial Disputes Act, 1947 before the appropriate forum for the short fall in payment of backwages and recovery of amounts due from the employer in the light of the judgment of this Court, dated 7.2.2013.

(RAVINDRA V. GHUGE, J.)

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