

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CONTEMPT PETITION NO. 604 OF 2015
IN WP/9279/2013

VAISHALI RAMDAS THOTE
VERSUS
THE SECRETARY, NITI NIKETAN SHIKSHAN SANSTHA, & ORS

...
Advocate for Petitioner : Shri Biradar R.D.
Advocate for Respondents 1 & 2 : Shri Gunale V.D.
AGP for Respondent 3 : Shri Bhagat N.T.
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CORAM : RAVINDRA V. GHUGE, J.
Dated: November 22, 2016
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PER COURT :-

1. On 4.10.2016, I had passed the following order:-

“1 Respondent No.1 Shri Anil Vitthalrao Kolhe, Secretary of the Educational Institution is present in the Court. It is conceded that the wages for the period 25.07.2014 till 08.12.2015 have not been paid to the Petitioner. Prior thereto, the amount of about Rs.3,93,043/- after deducting the professional tax, has been deposited in the account of the Petitioner for the period August, 2011 to 24.07.2014.

2 Shri Gunale, learned Advocate for Respondent Nos.1 and 2, on instructions from the Secretary present in the Court, submits that unpaid wages from 25.07.2014 till 08.12.2015 shall be deposited in this Court on or before 25.10.2016. He shall not seek extension of time. He,

however, submits that the said amount will be deposited by reserving the right to get the amount reimbursed from the Education Department after the said Department approves the bills already submitted by the Educational Institution, as the said amount pertains to the surplus period.

3 It is by recording the above statement, that this Court has not proceeded to frame the charges against the Respondents.

4 The learned Advocate for the Petitioner submits that if the said amount is deposited, this petition would be withdrawn since the order at issue would stand complied with.

5 Stand over to 25.10.2016.”

2. Shri Gunale, learned Advocate for respondents 1 and 2 tenders across the Bar a copy of the receipt indicating deposition of Rs.2,35,987/- in this Court along with the receipt of the Maharashtra Gramin Bank indicating deposition of Rs.3,93,043/- in the account of the petitioner on 26.9.2016. Copy of the calculation of unpaid amounts is also placed on record. These three documents are marked Exhibit “X” collectively for identification.

3. Shri Gunale, further submits that even the profession tax has been paid by the respondent / management by cheque.

4. Shri Biradar submits, on behalf of the petitioner, that there may be a dispute of about Rs.5,000/-.

5. Considering the above, I am of the view that the order at issue has been fully complied with notwithstanding the apprehension of the petitioner that the calculations may vary to the extent of Rs.5,000/-.

6. In these circumstances, this petition is disposed off as the order at issue has been complied with.

7. Needless to state, the amount deposited by the respondent / management in this Court can be withdrawn by the petitioner along with accrued interest, if any, by producing tangible evidence of her identify in the form of PAN card and the Election Commission Voters' ID card and under the signature of the learned Advocate for the petitioner.

(RAVINDRA V. GHUGE, J.)

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