

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO.315 OF 2015**

Harishchandra S Bhoir

..Petitioner

Vs.

Zilla Parishad Thane & Ors

..Respondents

Mr. A. R. Pitale for the Petitioner

Mr. C. S. Joshi for the Respondent Nos.1 and 2

CORAM : R. M. SAVANT, J.

DATE : 21st SEPTEMBER, 2016

P.C.

1 The above Contempt Petition alleges contempt of the order dated 29-8-2009 passed by the Learned Member of the Industrial Court, Thane. By the said order, the Respondent herein were directed to implement the Kalelkar Award and the Government Resolution dated 1-10-1995 viz-a-viz the Petitioner i.e. the Complainant. A further direction was issued to the Respondent to give all consequential and monetary benefits arising out of permanency to the Complainant i.e. the Petitioner till the date of his retirement within a period of two months from date of the said order. The said order dated 29-8-2009 was taken exception to by the Respondent No.1 by way of Writ Petition No.331 of 2010. The Petition was admitted, however interim reliefs were refused. In view thereof, the Respondents have become liable to comply with the directions as issued by the Industrial Court and which have been adverted to hereinabove. It seems that another set of employees

identically situated as the Petitioner abovenamed and who are concerned with Writ Petition No.9293 of 2003 had also filed the Contempt Petition No.362 of 2009. In the said Contempt Petition an order dated 23-8-2011 came to be passed by a Learned Single Judge of this Court in respect of the salaries of the Chief Executive Officer and Executive Engineer. It seems that on account of the said directions being issued, the monetary benefits which the said employees were entitled to under the orders of the Industrial Court were deposited in this Court. It seems that the said employees have already withdrawn the amount deposited by furnishing security to the satisfaction of the Learned Registrar Judicial of this Court.

2 Be that as it may, in the instant case, pursuant to the show cause notice issued in the above Contempt Petition, the Respondents have deposited an amount of Rs.1,98,719/- in this Court. Hence in so far as the order of which contempt has been alleged, part of the said order has been complied with. The Petitioner has reached the age of superannuation in the year 2006 and therefore part of the benefits to which the Petitioner would be entitled to are the pensionary benefits. It seems that the Respondents have not fixed the provisional pension of the Petitioner. The said Writ Petition No.331 of 2010 has been clubbed with Writ Petition No.9293 of 2003 and both the Petitions are to be heard together as they involved a common issue.

3 In my view, pending the hearing of the said Petitions, it would be just and proper if the Respondents are directed to fix the provisional pension in respect of the Petitioner, the entitlement of the Petitioner to the pensionary benefits would undoubtedly hinge upon the decision that would be rendered in the said Writ Petition No.331 of 2010 and hence even though provisional pension is fixed, the same need not be paid to the Petitioner pending consideration of the said Writ Petition No.331 of 2010. The provisional pension to be fixed within 12 weeks from date. In the light of the above, there is now no warrant to keep the above Contempt Petition pending, the same to accordingly stand disposed of.

[R.M.SAVANT, J]