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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 435 OF 2013
IN
WRIT PETITION NO. 4713 OF 2010

Farida Abdul Gafar Shaikh

...Applicant / Orig.Rspdt.No.1

Vs.

Umid S.P. VA. Samajseva Mandal & Ors.

...Respondents / Orig.Ptnrs.1&2

Mr. S.S. Kanetkar for the Petitioner in Contempt Petition

Mr. P.B. Kulkarni for the Respondent No.1

Ms. M.S. Bane 'B' Panel AGP a/w.

Mr. A.I. Patel AGP for the Respondent No.3

Ms. Farida A.G. Shaikh, Petitioner present in Court

Mr. Balol Khan, Chairman of Respondent No.1 present

Mr. Vishnu R. Sargar, Education Officer, Zilla Parishad, Solapur,
Respondent No.4 present

CORAM : N.M. JAMDAR, J.

DATE : 2ND FEBRUARY, 2016.

ORAL ORDER:

1] The petitioner has invoked the provisions of the Contempt of Courts Act and powers of this Court under Article 215 of the Constitution of India with the prayer to take action against the respondent no.3 and for breach of the order dated 8th August, 2011.

2] The petitioner was appointed as a Shikshan Sevak who was with the respondent Management. She was terminated from her services. She filed an appeal before the Member, Grievance

Committee. The Grievance Committee allowed her appeal and the petitioner was directed to be reinstated. The respondent No.1 filed a Writ Petition bearing No.4713 of 2010. The writ petition was disposed of by the learned Single Judge of this Court on 8th August, 2011. While disposing of the petition this Court directed that the petitioner will stand reinstated with continuation of service and arrears of salary with effect from 7th February, 2008. The Court directed, that in the peculiar facts of the case and in view of the stand of the Education Officer, the Education Officer will first release the salary, gratuity and thereafter, it was permissible for the Education Officer to take action against the petitioner Management for recovery. The amount was directed to be paid within a period of 8 weeks from 8th August, 2011. In spite of the petitioner addressing letters since nothing was done, contempt petition was filed in June 2011.

3] Notice before admission was issued on 11th October, 2013. Thereafter the matter appeared on board on various dates. On 23rd October, 2015 the Court took note of the failure of the Education Officer to abide by the order of the Court and directed that a joint meeting be held between the Management and the Education Office. on 20th November, 2015 since that date back wages were not paid

inspite of specific orders by this Court. Contempt Petition was admitted and notice was issued to the respondent no.4, the Education Officer.

4] Affidavit-in-reply is filed on behalf of the respondent no.4 in which the reason for delay has been specified. There are two affidavits filed by the respondent no.4. Both of them only narrate the movement of file and such other administrative details. When the order was passed in presence of the government pleader on 8th August, 2011, least that was expected from the Education Officer was to seek extension of time if the order could not be complied with within 8 weeks. Till the Contempt Petition was served and thereafter, various excuses were put forth as to how the amount could not be paid. Though part of the amount was paid in 2014 ultimately the total amount was paid to the petitioner on 4th December, 2015 that is almost a period of 4½ years when the direction was to pay within 8 weeks.

5] Now that amount has been paid to the petitioner, the question remains is to take further steps in the Contempt Petition. As stated earlier in affidavit-in-reply the reasons for delay are hardly satisfactory. The Education Officer ought to have acted diligently.

Today at the time of hearing the learned AGP has handed over a Demand Draft of Rs.50,000/- in favour of the petitioner towards the compensation for the delay and the lapse on the part of the State Government.

6] Learned Counsel for the petitioner submitted that the amount deposited by the State is without providing calculations regarding provident fund and income tax dues. The learned AGP states that these particulars will have to be provided by the Management. The Management will do so expeditiously.

7] Respondent No.4 is present in the Court and assures that such lapse will not be committed henceforth and the orders of this Court will be complied within time. Respondent No.1 is also present in Court. In view of this unconditional undertaking and tendering of compensation of Rs.50,000/- to the petitioner, the Contempt Proceeding need not be taken any further. The Contempt Petition is accordingly disposed of. Notice is discharged accordingly.

(N.M. JAMDAR, J.)