

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CONTEMPT PETITION NO. 445 OF 2013
IN
WRIT PETITION NO. 911 OF 2012

Shri Navnath Damodar Gargote & ors. ... Petitioners

V/s.

Smt. Ulka Jagdale, The Head Master
& ors. ... Respondents

Ms. Lata B. Patne for the petitioner.

Mr. Girish Paryani for respondents 1 and 2.

Mr. D.R. More for respondent no.3.

Mr. P.P. Kakade, AGP for respondents 5 to 7.

**CORAM : NARESH H. PATIL AND
M.S. SONAK, JJ.**

4th January, 2016.

P.C.

Heard learned Counsel for the parties.

2. The Contempt Petition is directed against the order passed by the Division Bench of this Court dated 4th July, 2012 (Coram: Dr. D.Y. Chandrachud and R.D. Dhanuka, JJ). Paragraph 4 of the order reads as under:

“Consequently, we direct that the eighth respondent shall consider the proposal expeditiously and if any payments are found to be due and payable, to ensure the release of payments within a period of eight weeks from today. Insofar as the issue as regards the seniority list and the service book is concerned, we direct the third respondent to consider the issue after hearing the petitioners and the management and allowing them respectively to produce necessary documentary material. The third respondent shall also verify the office record and consider all relevant material in determining the date of appointment. The third respondent shall pass a reasoned order within a period of two months from the date on which an authenticated copy of this order is produced on his record by the petitioners.”

3. Learned Counsel appearing for the petitioners submitted that inspite of the directions issued by the High Court in the year 2012, the 8th respondent and 3rd respondent therein did not comply with the order.

4. One of the respondent, Superintendent, Pay and Provident Fund Unit (Primary), Pune filed affidavit-in-reply through Balu Babu Dadase on 16th November, 2013. In Paragraphs 5 and 6 the deponent contends as under:

“5. I say that I have taken charge of my post as Superintendent, Pay and Provident Fund Unit, (Primary Education), Pune from 19th June, 2013, however, there was miscommunication between my predecessor and myself and inadvertently, it remained to be informed to me about the Orders

of the Hon'ble High Court, as regard the Petitioner's bills. In view of this fact, I was not aware of such Orders. I say that as and when the Contempt Petition came to be filed and I was informed about the same, I have taken immediate steps in the matter to comply with the Orders of the Hon'ble High Court. On oral directions issued by Respondent No.5 on 29.10.2013, I have processed and forwarded the bills to the Treasury on 6.11.2013. The same were sanctioned on 11.11.2013 by the Treasury and the amount of Rs. 10,08,574/- has been credited to the Pune District Central Cooperative Bank for transferring the same to the Petitioner's personal saving account. I further say that an amount of Rs. 20,800/- has been credited towards the Professional tax in respect of the Petitioner and an amount of Rs. 1,19,000/- has been credited towards the Provident Fund contribution. I say that although there was delay in complying with the orders of the Hon'ble High Court, the same was not intentional or deliberate. I say that as of today, the Order of the Hon'ble High Court stands complied with.

6. I say that when the Order of the Hon'ble High Court was passed, Smt. Rajni Rawade, was the Superintendent of the Pay and Provident Fund Unit. However, she was transferred on 19th June, 2013. Also Smt. Bokil who was the concerned Clerk handling the matter was also transferred elsewhere on 1st August, 2013. It was in these circumstances that the matter remained to be brought to my notice."

5. The Counsel appearing for the respondent no.3 submits that in accordance with the directions, the Administrative Officer passed an

order on 14th October, 2013, addressed the same to the management of Shivtej Krida va Shikshan Mandal, Tapkiranagar, Kalewadi, Pune and Head Mistress of the School. Learned Counsel submits that thereafter it is the responsibility of the management to carry out necessary changes regarding the date of appointment and inter se seniority of the teachers as directed by the High Court.

6. It is submitted by the Counsel appearing for the petitioners that so far no reply has been filed by management. Learned Counsel appearing for the management seeks further accommodation due to personal difficulty of some of the management committee members.

7. This Contempt Petition is pending before this Court since the year 2013. The proceedings of the present Contempt Petition could not be prosecuted and continued like a substantive petition.

8. The Counsel appearing for the respondent no.3-administrative officer submitted that recommendation has been made and addressed to the Director of Education (Primary) Pune dated 2nd January, 2016. The Counsel appearing for the management submits that management has not received any copy of the same.

9. In view of the reply filed by the Superintendent, Pay and Provident Fund Unit (Primary) Mr. Balu Bapu Dadas and the stand adopted by the Administrative Officer, we do not find that further directions are required to be given to the respondent no.3 and 8 in Writ Petition No. 911/2012.

10. However, considering the facts and circumstances and the material brought on record, we direct the Director of Education (Primary), Pune/ respondent no.6 herein to look into the matter, take appropriate steps in tune with the directions issued by this Court in the proceedings of Writ Petition No. 911/2012 on 4th July, 2012 and consider the proposal forwarded by the Administrative Officer on 2nd January, 2016 after hearing the concerned parties including the management. In case the Director finds that the Administration of the school has suffered seriously than appropriate stringent steps be taken to streamline the administration in the larger interest of the students and teachers. The decision be taken on its own merits within a period of three months.

11. With aforesaid observations and directions, Petition is disposed of.

(M.S. SONAK, J.)

L.S. Panjwani, P.S.

(NARESH H. PATIL, J.)