

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

CONTEMPT PETITION NO.292 OF 2011

Jayprakash K.Upadhyay .. Petitioner
Vs.
Smt.Omlata U.Shukla & Ors. .. Respondents

Mr.M.S.Lagu for the petitioner.

Mr.A.K.Shukla for the respondent no.1.

Mr.Sandeep Mishra i/by Mr.Prakash Mishra for the respondent no.2.

Ms.Vaishali Nimbalkar, AGP for the respondent no.4.

CORAM : R.D. DHANUKA, J.

DATE : 5th May 2016

P.C.

. Learned counsel appearing for the respondent no.1 states that pursuant to the direction issued by this Court on 20th April 2016 directing the respondent nos.1 and 2 to reinstate the petitioner on the post of Shikshan Sevak till 30th April 2004 and to pay back wages within one week from the said order, the respondent no.1 has already complied with the said order and has deposited a sum of Rs.27,000/- in the Court of Civil Judge, Senior Division, Thane. In so far as the reinstatement of the petitioner is concerned, he submits that on 29th April 2016, the respondent nos.1 and 2 have informed the petitioner that he was reinstated on the post of Shikshan Sevak for the period of 9 months i.e. from 16th August 2003 to 30th April 2004.

2. Learned counsel for the petitioner states that his client would attend the School on 9th May 2016 at 11.00 a.m. for the purpose of implementing the order passed by this Court and the order passed by the School Tribunal. Statement is accepted.

3. Learned counsel for the respondent nos.1 and 2 has no objection if amount of back wages deposited by the respondent nos.1 and 2 with the Court of Civil Judge, Senior Division, Thane is allowed to be withdrawn by the petitioner unconditionally. Statement is accepted.

4. The learned Civil Judge, Senior Division, Thane is directed to permit the petitioner to withdraw the amount of back wages deposited by the respondent nos.1 and 2 unconditionally and expeditiously.

5. In view of the fact that the respondent nos.1 and 2 have complied with the order pursuant to the order passed by this Court in the present proceedings, it would be a fit case to direct the respondent nos.1 and 2 to pay costs of Rs.10,000/- to the petitioner within two weeks from today. In case costs of Rs.10,000/- is not paid by the respondent nos.1 and 2 to the petitioner as directed, the petitioner will be at liberty to seek an appropriate direction from this Court. Contempt petition is disposed of in aforesaid terms.

6. The parties as well as the learned Civil Judge, Senior Division, Thane to act on the authenticated copy of this order.

R.D. DHANUKA, J.