

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.

CONTEMPT PETITION NO.26 OF 2016

IN

WRIT PETITION NO.5087 OF 2014

(Ku. Nanda d/o Sukhdeorao Munshettiwar ..vs.. Ravindra Bhagwantrao Khanke and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATED : 05-08-2016

Heard Shri A.D. Mohgaonkar, Advocate for the petitioner-employee, Shri M.P. Khajanchi, Advocate for the respondent Nos.1 and 2 and Shri H.R. Dhumale, Assistant Government Pleader for the respondent No.3- Education Officer.

The respondent Nos. 1 and 2 identified by Shri M.P. Khajanchi, Advocate and the respondent No.3 identified by Shri H.R. Dhumale, Assistant Government Pleader are present.

2. The petitioner has complained of wilful disobedience of order passed by the School Tribunal and of the order passed by this Court on 29-09-2015, by the respondent Nos.1 and 2. According to the petitioner, as per the order passed by the School Tribunal on 02-08-2014, the employer was required to reinstate the petitioner and pay the back wages within one month from the date of the order. The order passed by the

School Tribunal is challenged by the employer in Writ Petition No.5087/2014 in which an order is passed on 29-09-2015 issuing Rule and granting stay to the directions regarding payment of back wages. This Court has rejected the prayer of the employer for staying the directions given by the Tribunal to reinstate the petitioner. As the petitioner was not reinstated, the petitioner filed this contempt petition.

By the order dated 16-02-2016, this Court directed issuance of notice of contempt petition to the respondents. It is undisputed that the petitioner is reinstated on 20-07-2016 and is working and is being paid the salary from 20-07-2016. The grievance of the petitioner now is that she is entitled for salary from 01-09-2014 till 19-07-2016 as the employer was required to reinstate the petitioner within one month from the date of the order passed by the School Tribunal. In the affidavit filed before this Court, the employer contends that the petitioner had not reported and therefore, she could not be reinstated. The petitioner disputes this and contends that she had been regularly attending the school, however, she was not permitted to join.

3. Be that as it may, as the petitioner is reinstated and is working and is being paid the salary from 20-07-2016, in my view, the proceedings under the Contempt of Courts Act, 1971 are not required to be continued. The notice of contempt issued to the

respondents is discharged. However, considering the facts of the case, the respondent Nos.1 and 2 are directed to pay costs of Rs.20,000/- (Rupees Twenty Thousand) to the petitioner within one month.

The grievance of the petitioner regarding her entitlement to receive salary from 01-09-2014 till 19-07-2016 is not adverted to in this contempt petition and it is left open for consideration in appropriate proceedings.

The contempt petition is disposed accordingly.

JUDGE

adgokar

CERTIFICATE

I certify that this Order uploaded is a true and correct copy of original signed Order.

Uploaded by : P.M. Adgokar.

Uploaded on : 06-08-2016.

P.A. to Hon'ble Judge.