

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CONTEMPT PETITION NO.22/2016 IN WRIT PETITION NO. 1636/2006 (D)
 (NILIMA SARDARSINGH CHOUHAN **VERSUS** DR.SANJAY CHAHANDE, PRINCIPAL SECRETARY &
 OTHERS)

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

Court's or Judge's orders

Shri R.S. Parsodkar, counsel for the petitioner.
 Mrs. B.H. Dangre, G.P. for the respondents.

CORAM : SMT.VASANTI A. NAIK AND
V.M. DESHPANDE, JJ.

DATE : MARCH 28, 2016.

By this contempt petition, the petitioner seeks an action against the respondents for willful disobedience of the directions in the judgment dated 07.01.2015 in Writ Petition No.1636 of 2006.

After the caste claim of the petitioner was invalidated, the petitioner challenged the order of the Scrutiny Committee and also challenged the order of his termination, dated 23.12.2005/09.01.2006. The order of the Scrutiny Committee was quashed and set aside by the judgment dated 07.01.2015 and the respondents were directed to reinstate the petitioner in service with continuity of service and 50% back wages. It is the case of the petitioner that the respondents have not complied with the judgment inasmuch as 50% of the back wages have not been deposited-sanctioned, after considering the benefits that are liable to be paid to the petitioner towards Career Advancement, in the Grade Pay of Rs.9,000/-.

Mrs. Dangre, the learned Government Pleader for the respondents, states that the directions issued by this Court by the judgment dated 07.01.2015 are complied with, inasmuch as the respondents have reinstated the petitioner in service on 16.01.2015 and 50% backwages payable to the petitioner are also sanctioned-deposited. It is stated that there are no directions to the respondents in the judgment to place the petitioner in the Grade Pay of Rs.9,000/-, as submitted on behalf of the petitioner. It is stated that the benefits payable to the petitioner as per the Career Advancement Scheme could be granted, as admissible in law. It is submitted that the said aspect would, however, not be a matter that could be considered in the contempt petition.

On hearing the learned counsel for the parties, it appears that the directions issued by this Court by the judgment dated 07.01.2015 are complied by the respondents, inasmuch as the petitioner is reinstated in service and 50% of the back wages payable to the petitioner are sanctioned-deposited. There are no directions whatsoever in the judgment of which the contempt is alleged to grant the benefits of the Career Advancement Scheme to the petitioner. If the petitioner is of the view that the petitioner is entitled to the Grade Pay of Rs.9,000/- as per the Career Advancement Scheme, the petitioner is free to take up appropriate proceedings. However, the said issue cannot be a matter that could be considered in the contempt petition.

Since the order of which the contempt is alleged stands complied by the respondents, we dispose of the contempt petition with no order as to costs.

JUDGE

JUDGE