

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

CONTEMPT PETITION NO.70/2016 IN WRIT PETITION NO. 6067/2014 (D)
(SHOBHA MAHADEORAO THORAT VERSUS NANDKUMAR, SECRETARY, DEPTT. OF SCHOOL
EDUCATION, MUMBAI & OTHERS)

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

Court's or Judge's orders

None for the petitioner.
 Shri J.B. Kasat, counsel for the R-4.

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

DATE : APRIL 11, 2016.

By this contempt petition, the petitioner seeks action against the respondents for willful disobedience of the order dated 09.10.2015 in Writ Petition No.6067 of 2014.

It is the case of the petitioner that despite the directions to the respondents to adjudicate the claim of the petitioner within a period of three months, the respondents have not decided the claim of the petitioner.

Shri Kasat, the learned counsel for the respondent no.4, has tendered an affidavit-in-reply of the respondent no.4 in the Court, today. It is stated in the affidavit-in-reply that by the notice dated 16.03.2016, the petitioner as well as the management were called for hearing and after hearing the parties on 23.03.2016, a decision is rendered, on 03.04.2016. A copy of the decision dated 03.04.2016 is annexed to the affidavit-in-reply.

Though we find that there is some delay on the part of the respondent no.4 in taking the decision in the matter of the claim of the petitioner, it appears that the subordinate staff of the respondent no.4 had not brought the order of which the contempt is alleged, to the notice of the respondent no.4. In this background, it cannot be said that there is a deliberate non-compliance of the order by not taking a decision within the time framed.

In the circumstances of the case, we dispose of the contempt petition with no order as to costs.

JUDGE

JUDGE

APTE