

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

WRIT PETITION NO.1181 OF 2012

- 1] The Head Master/Mistress,
Gardiner Primary/High School,
Civil Lines, Nagpur.
- 2] The Secretary,
Gardiner Primary/High School,
Civil Lines, Nagpur.
- 3] The Secretary,
Area Committee of Maharashtra Regional
Board of Education of the Church of North
India, 28/6, Priyadarshani Colony, Behind
R.T.O. Office, Civil Lines, Nagpur.
- 4] The President,
Area Committee of Maharashtra Regional
Board of Education of the Church of North
India, 28/6, Priyadarshani Colony, Behind
R.T.O. Office, Civil Lines, Nagpur. .. Petitioners

.. Versus ..

- 1] Ku. Anita Vikram Kamble,
Aged Major, Occupation-Not known,
R/o. Khalasi Line, Mohan Nagar,
Nagpur.
- 2] Anil John Francis,
Aged Major, Occupation-Not Known,
R/o. Opposite Post Office, Near Brij Hotel,
Gaddigudam, Nagpur.
- 3] The Education Officer,
Primary Schools, Zilla Parishad,
Nagpur.
- 4] The Presiding Officer,
First Labour Court,
Civil Lines, Nagpur. .. Respondents

Shri S.S. Sanyal, Advocate for the petitioners,
Shri S.S. Ghate, Advocate for the respondent no.2,
Ms. H.N. Prabhu, Assistant Government Pleader for the respondent no.4,
None appears for the respondent nos.1 and 3.

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CORAM : Z.A. HAQ, J.
DATED : JANUARY 20, 2016.

ORAL JUDGMENT

Heard Shri S.S. Sanyal, Advocate for the petitioners, Shri S.S. Ghate, Advocate for the respondent no.2 and Ms. H.N. Prabhu, Assistant Government Pleader for the respondent no.4. None appears for the respondent nos.1 and 3.

2] Today the petition is listed for order on Civil Application [W] No.965/2013, which is filed by the petitioners, praying that the further proceedings of Contempt Petition No.13/2011 pending before the Trial Court be stayed. Shri Sanyal, Advocate has stated that the petition itself can be disposed of.

3] Learned Advocates appearing for the respective parties are heard.

4] This Court, by the order passed in Writ Petition No.6042/2010 on 25.2.2011, issued **RULE** and directed the present petitioner no.1 (respondent no.1 in Writ Petition No.6042/2010) to pay Rs.1,500/- per month to the respondent no.1 as interim measure. This Court permitted the present respondent no.1 to withdraw balance 50% of the amount deposited by the petitioner before the Industrial Court. Learned Advocate for the petitioners has submitted that the Labour Court passed an order on 24.2.2012 directing the petitioner to produce attendance register from 1992 onwards. It is pointed

out that as according to the respondent no.1 this order was not complied with, she filed application (Exh.28) on which order came to be passed on 10.3.2012 directing issuance of search warrant for production of attendance register from 1992 onwards. The above mentioned orders dated 24.2.2012 and 10.3.2012 are challenged in this petition.

5] Learned Advocate for the petitioners has submitted that the order passed by this Court in Writ Petition No.6042/2010 on 25.2.2011 has been complied and the amount which was required to be paid to the respondent no.1 has been paid. It is further submitted that the petitioners are regularly paying Rs.1,500/- per month to the respondent no.1.

6] Accepting the submission made on behalf of the petitioners, in my view, the impugned orders have lost their efficacy, as the impugned orders were required to be passed because of the counter claims made by the parties before the Labour Court in the Contempt Petition.

7] In view of the above, the writ petition is disposed recording that the impugned orders are not required to be given effect to in view of the facts brought on record and submissions made on behalf of the petitioners. The petition is disposed of. In the circumstances, parties to bear their own costs.

CIVIL APPLICATION NO.965/2013

In view of disposal of writ petition, the Civil Application praying for interim order is rendered infructuous. It is disposed accordingly.

JUDGE