

FARAD CONTINUATION SHEET
**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
 NAGPUR BENCH : NAGPUR.**

Contempt Petition No. 124 of 2013
(In WP No. 2701/95 [D])

Rajaram s/o Jangluji Meshram

v.

M.Majumdar, Chief Gen. Manager, WCL, Ngp.

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

Court's or Judge's orders

 Mr. V.A. Dhabe Advocate for the Petitioner.
 Mr. A.S. Mehadia Advocate for the respondent.

....

Coram : Smt. Vasanti A. Naik &
V.M. Deshpande, JJ.

Date : 09th March, 2016.

By this contempt petition, the petitioner seeks action against the respondent for willful disobedience of the directions in the judgment dated 09.4.2012 in W.P. No. 2701/95,

It is stated on behalf of the petitioner that though this Court had directed the respondents to presume that the petitioner had completed his probation period in terms of the order dated 16.6.1995 as a Mining Sirdar and release the consequential benefits to the petitioner, the respondent has not released the same to the petitioner. It is stated that the respondent has neither paid the dues to the petitioner by considering that the petitioner was

working as Mining Sirdar nor has the respondent granted the promotion to the petitioner on the posts in Grade B & C category. It is stated that all the consequential benefits were liable to be released in favour of the petitioner.

Shri Mehadia, the learned counsel for the respondent, submitted by referring to the affidavit and additional affidavit filed on behalf of the respondent that the petitioner was paid the benefits of the post of Mining Sirdar from 16.6.1995 till 31.7.2007, when he retired on attaining the age of superannuation. It is stated that the petitioner would not be entitled to promotion in Group C and Group B category, as the promotion requires minimum 10 years of working experience as Mining Sirdar, which the petitioner did not possess and the promotion to such post is only through the Departmental Promotion Committee on sub-area basis on recommendation. It is stated that in the aforesaid set of facts, it cannot be said that the respondent has not complied with the directions in the order, of which the contempt is alleged.

Shri Dhabe, the learned counsel for the petitioner, states that the petitioner is still being paid in the scale of a Khalasi. The said statement is, however, disputed by the learned counsel for the respondent and it is asserted that the petitioner is, in fact, paid the benefits by considering that the petitioner was working as a Mining Sirdar since the year 1995.

In view of the statements recorded hereinabove, we do not find that the respondent has disobeyed the directions issued by this Court in the order, of which contempt is alleged. If the petitioner has any other grievance to raise, the petitioner may take

appropriate steps, if so advised. However, we do not find that the contempt petition should proceed any further in view of the statements made in the affidavit and the additional affidavit of the respondent.

The contempt petition is disposed of, with no order as to costs.

Judge

Judge

/TA/