

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

CONTEMPT PETITION NO.158/2016

IN

WRIT PETITION NO.2704/2015 (D)

Shri Rajendra s/o Uttamrao Jawanjal and others

...Versus...

Shri Sunil s/o Yuvagonda Patil and another

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. Kurekar, Advocate for petitioners
Shri M.A. Sable, Advocate for respondents

**CORAM : SMT. VASANTI A NAIK AND
KUM. INDIRA JAIN, JJ.**

DATE : 14.09.2016

By this contempt petition, the petitioners seek action against the respondents for wilful disobedience of the order, dated 7.8.2015 in Writ Petition No.2704/2015.

It is stated on behalf of the petitioners that though this Court had directed the respondents to issue posting orders to the petitioners as per their seniority, to the promotional posts, to the extent of 30%, the respondents have not promoted the petitioners on the promotional posts till date. It is stated that the respondents have deliberately flouted the orders of this Court.

Shri Sable, the learned Counsel for the respondents has stated by referring to the affidavit-in-reply, that on 2.9.2014, 42 posts were sanctioned towards the promotional posts and 86

posts have been filled up in the promotional cadre. It is stated that surplus employees are posted in the promotional posts and therefore, the petitioners cannot be granted postings as per the order, dated 7.8.2015.

On hearing the learned Counsel for the parties and on a perusal of the affidavit-in-reply filed on behalf of the respondents, it appears that the respondents have not disobeyed the directions in the order, dated 7.8.2015. We had directed by the said order that the respondents should issue posting orders to the petitioners as per their seniority in 30% posts reserved for promotees. We had also made clear in the order that the respondents were not directed to exceed the quota meant for the promotees by the said directions. It appears from the affidavit-in-reply that 42 promotional posts were sanctioned, however, the respondents filled up 86 posts by promotion. It appears that surplus employees are promoted in the promotional posts and therefore, the petitioners cannot be promoted as per the directions in Writ Petition No.2704/2015.

Since the order, of which the contempt is alleged, cannot be complied with, we dispose of the contempt petition with no order as to costs.

JUDGE

JUDGE

CERTIFICATE

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

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