

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

CONTEMPT PETITION NO.211 OF 2016

IN

WRIT PETITION NO.2046 OF 2010 [D]

[Pankaj Madhukarrao Bhuyar and others .vs. Dr. Sanjay Chahande, Presently Principal Secretary,
Higher & Technical Education, State of Maharashtra, Mumbai and 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.L. Khapre, counsel for the petitioners,
Shri D.P. Thakare, Additional Government Pleader for respondent no.3.

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CORAM : SMT. VASANTI A. NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATED : JULY 08, 2016.

By this contempt petition, the petitioners seek action against the respondents for willful disobedience of the judgment, dated 19.10.2013 in Writ Petition No.2046/2010.

It is the case of the petitioners that though by the order of which the contempt is alleged, the respondents were directed to regularize the services of such of the petitioners, who had completed three years' of service with technical breaks and absorb the petitioners in service within a period of six weeks, the respondents did not do so. It is stated that, by an order dated 1.11.2013, the respondents again appointed the petitioners on contract basis. It is stated that only after the Special Leave Petition filed by the respondents was dismissed by the Hon'ble Supreme Court on 6.1.2015, the services of the petitioners were regularized in the last week of January, 2015. It is stated that the Hon'ble Supreme Court had not stayed the judgment of which the contempt is alleged and had only stayed the same so far as the confirmation of the permanency rights were concerned. It is stated that in view of the inaction act on the part of the respondents, the petitioners were kept out of service for long and

were deprived of salary.

On hearing the learned counsel for the parties, we do not find that there is any reason to proceed against the respondents under the provisions of the Contempt of Courts Act. Admittedly, the order of which the contempt is alleged was challenged by the respondents in a Special Leave Petition before the Hon'ble Supreme Court. As the judgment of which the contempt is alleged was sought to be challenged before the Hon'ble Supreme Court, it appears that there was no other course open but to again reinstate the petitioners on contract basis for some time so as to await the judgment of the Hon'ble Supreme Court. Though the Hon'ble Supreme Court had not stayed the judgment in its entirety, a part of the judgment was stayed, so far as the question of grant of permanency is concerned. In the circumstances of the case, when the Special Leave Petition was pending before the Supreme Court, it cannot be said that the respondents had deliberately floated the orders of this court. If the petitioners were kept out of service for long and they were deprived of their salary, the petitioners may have other remedy. We do not find that the question involved in this case would be a matter of contempt.

In view of the aforesaid, we dismiss the contempt petition with no order as to costs.

JUDGE

JUDGE