

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

CONTEMPT PETITION NO. 203 OF 2016
IN WRIT PETITION NO.5815 OF 2007

(Dnyaneshwar Sopanrao Bhandare vs. Shri Shravan Hardikar, Commissioner, Nagpur Municipal Corporation)

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

Shri A. Parchure, Advocate for petitioner.
Shri S.M. Puranik, Advocate for respondent.

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

DATED : AUGUST 18, 2016

By this contempt petition, the petitioner seeks action against the respondent for willful disobedience of the directions of this Court in the judgment dated 6/11/2009 in Writ Petition No.5815/2007.

Shri Parchure, learned Counsel for the petitioner, states that though this Court had directed the respondent to conduct the enquiry only as per provisions of Rule 8(23)(a) and (b) of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979 and to pay monetary benefits in view of setting aside of the order of punishment, the respondent has not complied with the said directions and has neither granted a hearing to the petitioner nor monetary benefits are paid to him.

Shri Puranik, learned Counsel for the respondent, has pointed out by referring to paragraphs

18 and 19 of the judgment of which the contempt is alleged that there is no direction issued by this Court against the respondent to pay some monetary benefits to the petitioner. It is stated that this Court had directed the respondent to conduct the enquiry in accordance with provisions of Rule 8(23)(a) and (b) of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979 and a personal hearing is not provided in the said Rule. It is stated that the respondent has now taken a decision in the matter and if the petitioner is aggrieved by the said decision, he has other remedies.

On hearing the learned Counsel for the parties and on perusal of the judgment of which the contempt is alleged, we do not find that there is any direction issued by this Court to the respondent to pay some monetary benefits to the petitioner. We also do not read anything in Rule 8(23)(a) & (b) of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979 that requires the opportunity of personal hearing. In the circumstances of the case, it would not be possible to proceed with the contempt petition any longer. If the petitioner is aggrieved by the action of the respondent, he has other remedies. Hence, we dispose of the contempt petition with no order as to costs.

JUDGE

JUDGE

khj

CERTIFICATE

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

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Kamal H. Jeswani
Private Secretary

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19/08/2016