

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

CONTEMPT PETITION NO. 225 OF 2016

IN

WRIT PETITION NO. 3304 OF 1994 (D)

Moreshwar Rajaram Saraf and another

-vs-

Shri Sanjeev Kumar, Managing Director, Mah.State Ele.Distribution Co.Ltd.and others

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

Court's or Judge's Orders.

Mrs.R.S.Sirpurkar, counsel for the petitioners.

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

DATE : 26.07.2016.

By this contempt petition, the petitioners seek action against the respondents under the provisions of the Contempt of Courts Act for willful disobedience of the order, dated 26/11/2012.

It is stated on behalf of the petitioners that by filing Writ Petition No.3304 of 1994, the petitioners had challenged Circular No.140 that deprived the petitioners of the benefits that were made available to the petitioners under Circular No.120. Since Circular No.140 was quashed by the Division Bench of this Court in yet another writ petition bearing Writ Petition No.3031 of 1995, this Court allowed the writ petition filed by the petitioners and made the Rule absolute in terms of the petition. By the petition, that was filed by the present petitioners, the petitioners had only challenged Circular No.140 and had sought an order restraining the respondents from finalizing the seniority list of Upper Division Clerks.

It is stated on behalf of the petitioners in this contempt petition that the respondents are not granting the benefits that were liable to be granted to the petitioners, in view of Circular No.120, though Circular No.140 is quashed and set aside. It is stated that since Circular No.140 is quashed and set aside, the petitioners would be entitled to the benefits that were available to the petitioners under Circular No.120, but this is not done by the respondents, though the

petitioners have retired from service, on attaining the age of superannuation.

We are afraid, that no action, whatsoever, can be initiated against the respondents under the provisions of the Contempt of Courts Act. The only prayer made by the petitioners in the writ petition in which the order, of which the contempt is alleged was passed, was to quash and set aside Circular No.140. No consequential relief was sought by the petitioners in the said writ petition. The petitioners had not sought a direction that the respondents should continue to pay the benefits to the petitioners, under Circular No.120 if they were not being paid and / or if they were being paid, the same should be released in favour of the petitioners, as per Circular No.120. By the order of which the contempt is alleged, only Circular No.140 is quashed and set aside. No direction, whatsoever, is issued against the respondents to perform any particular act or duty. In the absence of any direction against any of the respondents, it would not be possible for this Court to initiate action against the respondents under the Contempt of Courts Act.

Hence, we dismiss the contempt petition with no order as to costs.

JUDGE

JUDGE

C E R T I F I C A T E

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

Uploaded by : G.S.Khunte,
P.A.to Hon'ble Judge

Uploaded on : 28/07/2016