

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

CONTEMPT PETITION NO.273 OF 2016
IN WRIT PETITION NO. 3060 OF 2015

(Ku. Roopali Bhojraj Malode vs. Mr. Jumma Pyarewale and another)

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

Mrs. M.R. Chandurkar, Advocate for petitioner.

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

DATED : AUGUST 24, 2016

By this contempt petition, the petitioner seeks action against the respondents for willful disobedience of the judgment of this Court, dated 6/8/2015 in Writ Petition No.3060/2015.

It is stated on behalf of the petitioner that though this Court had directed the respondents to grant UDT pay scale to her, the respondents have not granted the same.

We do not find any direction in the judgment dated 6/8/2015 to grant UDT pay scale to the petitioner. By the said judgment, we had only granted relief in terms of prayer clauses (i) and (iv) of the writ petition. Rule was made absolute in terms of the said prayer clauses.

On perusal of the writ petition, we find that by prayer clause (i), the petitioner had merely sought the setting aside of the order dated 26/2/2015 staying the resolution passed by the General Body of Nagar

Parishad, Katol. By prayer clause (iv), the petitioner had sought the setting aside of the final order of stay passed by the Collector, Nagpur, thereby staying the resolution passed by the General Body of Nagar Parishad. By prayer clauses (i) and (iv), the petitioner had only challenged the orders of stay. No relief whatsoever, much less a direction, was sought against the respondents to grant the UDT pay scale in favour of the petitioner.

In the contempt proceedings, this Court would not be in a position to hear the matter afresh and find out what is impliedly granted by the judgment of which the contempt is alleged. The petitioner had not sought a writ of mandamus against the respondents at all. Only a writ of certiorari was sought for quashing two orders. The said orders were quashed and set aside. Since no direction is issued against the respondents to grant UDT pay scale or any particular pay scale to the petitioner, it would not be possible for this Court to take action against the respondents under the provisions of Contempt of Courts Act. Hence, we dispose of the contempt petition with no order as to costs.

If the petitioner is aggrieved by the inaction on the part of the respondents in granting some benefits to her to which she is entitled, she has other remedies.

Order accordingly.

JUDGE

JUDGE

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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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25/08/2016