

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

CONTEMPT PETITION NO. 275 OF 2013

IN

WRIT PETITION NO. 1745 OF 2012 (D)

Dr. Mrs. Vandana Diwakar Manapure

-vs-

Dr. Ashok Gomase, Registrar, R.T.M., Nagpur University and another

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

Court's or Judge's Orders.

Mr. N.S.Autkar, counsel for the petitioner.
Mr. P.B.P.atil, counsel for the respondents.

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

DATE : 02.08.2016.

By this contempt petition, the petitioner seeks action against the respondents for willful disobedience of the orders, dated 11.05.2012 and 26.03.2013.

It is stated on behalf of the petitioner that though this Court had directed the completion of the departmental enquiry within three months from the order, dated 11.05.2012, the departmental enquiry was not completed within the said time. It is stated that though the respondents were directed to revise the subsistence allowance, in accordance with law and pay the same to the petitioner, the same was not paid till the contempt petition was filed. It is stated that the subsistence allowance is not being paid to the petitioner, in accordance with law.

Shri P. B. Patil, the learned counsel for the respondents, states that the departmental enquiry was completed within three months. It is stated that the departmental enquiry was completed on 19.06.2013, i.e. within the expiry of the time, as time was to expire on 26.06.2013. It is stated that the subsistence allowance was also sought

to be paid to the petitioner and the petitioner was requested to receive the amount, but the petitioner was not receiving the said amount. It is stated that after this Court directed the petitioner to accept the subsistence allowance, the petitioner has accepted the same. It is stated that the subsistence allowance is paid to the petitioner, in accordance with law.

On hearing the learned counsel for the parties, we find that the departmental enquiry was completed within the prescribed time. Even if it is assumed that there was a delay of few days in concluding the departmental enquiry, it cannot be said that the said delay was deliberate. Also, we do not find any direction to the respondents in the order, dated 26.03.2013 to pay the subsistence allowance to the petitioner, much less within a stipulated period. This Court had only directed the respondents to revise the subsistence allowance payable to the petitioner. According to the respondents, the subsistence allowance is paid to the petitioner, in accordance with law. The petitioner has received an amount of Rs.6,75,232/- towards the subsistence allowance.

In the circumstances of the case, we do not find it necessary to proceed with the contempt petition any longer. The contempt petition is disposed of 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.

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

Uploaded on : 04/08/2016