

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

CONTEMPT PETITION NO. 3 OF 2016
WITH CIVIL APPLICATION (N) NO.49 OF 2016

(Siddhivinayak Bachat Gat Mahasangh vs. Smt. Vinita w/o Ved Singhal and others)

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

Shri S.N. Tapadia, Advocate for petitioner.
Smt. B.H. Dangre, Government Pleader for respondent no.1.
Shri A.A. Naik, Advocate for respondent no.3.

CORAM : B.P. DHARMADHIKARI AND
KUM. INDIRA JAIN, JJ.

DATED : AUGUST 5, 2016

Heard respective Counsel for the parties.

On 17/3/2016 we have already recorded a finding that order of this Court dated 16/9/2015 in Writ Petition No. 3717/2015 was violated. However, considering the nature of controversy, we granted respondents time till end of April 2016 and did not pass any adverse order, i.e. order of punishment. We also made it clear that work of supplying "Take Home Ration" (T.H.R.) should not be disturbed. Matter was adjourned to 4/5/2016.

Thus, after 17/3/2016 respondents had entire half month of March and full month of April to make amends. No amends were made. In the month of May, when matter was listed on 5/5/2016 a statement was made that no supply would be

procured from respondent no.9 till finalisation of new tender.

After these orders, petitioner has taken out Civil Application (N) No. 49/2016 and brought it on record that even for the month of May 2016, supplies have been procured from respondent no.9.

Respondent no.1 did not bother to file any reply to this civil application and on last occasion, made a statement that she has instructed respondent no.2 to file appropriate reply affidavit. The said reply affidavit has been filed accordingly on behalf of respondent nos.1 and 2 by respondent no.2.

Specific assertions of petitioner that order dated 3/5/2016 seeking T.H.R. supply from respondent no.9 was received by Child Development Project Officer at Nandgaon Khandeshwar on 7/5/2016 and thereafter on 10/5/2016 he issued orders in favour of respondent no.9 in writ petition to effect supplies are not traversed.

In para 5 of the civil application, inadvertently date 10/5/2016 has been mentioned as 10/3/2016. But that order is annexed with application and in copy annexed, date of order is 10/5/2016 and it is in furtherance of order of respondent no.2 dated 3/5/2016.

In this situation, we find that respondent nos.1 and 2 have not paid any attention to orders of this Court nor have availed opportunity extended to them to make amends and have continued to disobey the orders. We, therefore, impose fine of rupees one thousand each on respondent nos.1 and 2. Fine shall be deposited by them personally within a period of four weeks from today.

The note of this fine shall be taken in their service books.

At this juncture, Smt. Dangre, learned Government Pleader with permission of Court, earnestly urged that an apology should be accepted and as respondent no.1 is very sincere senior Officer without any adverse record, this Court should show some leniency.

Adv. Tapadia appearing for petitioner submits that punishment is discretion of this Court.

In this situation, in the light of factors put forth by learned Government Pleader, we substitute the above punishment with a warning to respondent nos.1 and 2 to be more cautious in future. Accordingly, we recall punishment of fine and its recording in service book imposed against both the respondents.

With above directions, we dispose of the

contempt petition. No 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

Uploaded on :

08/08/2016