

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

CONTEMPT PETITION NO.263 OF 2014

IN

WRIT PETITION NO.4072 OF 2003 [D]

[Manik s/o Shriram Choudhary .vs. Shri Devanand B. Choudhary and others]

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

Court's or Judge's orders

CORAM : PRASANNA B. VARALE, J.

DATED : FEBRUARY 10, 2016.

Heard Mr. Kulkarni, the learned counsel for the petitioner, Mr. Mishra, the learned counsel for respondent nos.1 and 2 and Mr. Jibhkate, the learned counsel for respondent no.3.

The petitioner alleges willful disobedience of order passed by this Court, dated 10.7.2014 and prays for initiation of action of contempt against the respondents-contemtnors. It is the submission of the learned counsel for the petitioner that this Court had directed the respondents-contemtnors to pay six months' salary at the prevailing rate when the order was passed. The said direction is not complied with by the respondents-contemtnors.

On perusal of order passed by this Court, dated 10.7.2014, it reveals that the direction was to respondent no.2, who was the petitioner before this Court in Writ Petition No.4072/2003. The directions read thus :

The petitioner no.1-management to pay compensation equivalent to six months' salary which the respondent no.2 would have received had he been reinstated and had been working today i.e. six months' salary at today's rate. The amount of compensation should be paid by the petitioner no.1-management to the respondent no.2 till 30th November, 2014. If the amount of compensation is not paid within the stipulated time, the amount of compensation shall carry interest @ 9% per annum from today till the amount is paid to the respondent no.2.

Thus, it is clear that the direction of this court was to the petitioner-management to pay compensation equivalent to six months' salary. Therefore, the contention of the learned counsel for the petitioner that direction was to pay salary is not in consonance with the order of this Court. The respondent-management filed an affidavit. It is stated that in view of order passed by this court, an amount of Rs.1,00,000/- was paid to the petitioner and there was delay of 24 days in making payment of Rs.40,000/-. As such, the petitioner was entitled to receive Rs.1,800/- towards interest for the period of six months and out of that amount, Rs.202/- was paid initially and an amount of Rs.1,600/- was paid to the petitioner vide Cheque No.027815, dated 21.7.2015. The petitioner was also paid an amount of Rs.40,000/- as the amount at the rate of 9% per annum for delayed payment. In an additional affidavit submitted in this court, the respondent-management submits that till 1.2.2016, an amount of Rs.1,61,259/- has been paid to the petitioner through various cheques and the petitioner received the same. It is the submission of the

respondent-management that the order passed by this Court is complied with by the respondent-management in toto.

As there was no direction to respondent no.3— Education Officer (Secondary), Zilla Parishad, Bhandara, respondent no.3-Education Officer (Secondary) Shri Kisan Z. Shende has also filed reply. It is submitted that the exercise of pay fixation was taken up by respondent no.3 and the submissions of the Head Master were scrutinized and on finding that the conclusion carried out by the Head Master was correct, the same was approved.

The perusal of the order passed by this Court shows that there was no direction issued to respondent no.3-Education Officer (Secondary) Z.P. Bhandara in respect of any payment. In view of the affidavit filed by the respondent-management, it is clear that the direction of this court in major part is complied with. There was only delay of 24 days in making payment of Rs.40,000/- for which the interest was awarded and accordingly the same was also paid to the petitioner. Mr. Kulkarni, the learned counsel for the petitioner, submits that the fixation of salary is not as per the submissions of the petitioner.

This issue cannot be gone into in the present content petition, as it is observed above by this Court that petitioner no.1-management to pay compensation equivalent to six months' salary. If the petitioner is having any grievance of calculation of the said salary, he is at liberty to raise the dispute before the appropriate forum.

As this Court found the order passed by this Court on 10.7.2014 in Writ Petition No.4072/2003 is

complied with by the respondents-contemtnors, Contempt
Petition is dropped and disposed of accordingly.

JUDGE

Gulande