

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CONTEMPT PETITION NO. 203 OF 2015
IN WP/913/2001

SUNIL KASHINATH GHODAKE
VERSUS
SHRIGONDA MUNICIPAL COUNCIL, AHMEDNAGAR

...
Advocate for Petitioner : Shri Bhalerao Sudhir G..
...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 31st January, 2017

Per Court:

1 The Petitioner, by this petition, prays that the Respondents be punished under Sections 8 and 10 of the Contempt of Courts Act, 1971 for the disobedience of the judgment of this Court dated 11.09.2014 delivered in Writ Petition Nos.913/2001 and 1004/2000.

2 After perusing the petition paper book and the judgment delivered by this Court dated 11.09.2014 in the matter of the Petitioner herein, who was Respondent No.1 in Writ Petition No.1004/2000, this Court has merely dismissed the said Writ Petition concluding that the judgment of the Industrial Court does not call for any interference. These observations are found in paragraph 11 of the judgment at issue which

read as under:-

"11. So far as Complaint (ULP) No.251 of 1993 is concerned (filed by Sunil Kashinath Ghodake), and the calculations of number of days worked, it is evident from the chart prepared by the petitioner/management that he had worked for 347 days in 1991-92, 346 days in 1992-93 and 353 days in 1993-94. His complaint has been rightly allowed by the Industrial Court and the said conclusion does not call for any interference."

3 It is apparent from the above that this Court has merely dismissed the petition filed by the Respondent/ Municipal Council against the judgment of the Industrial Court by which Complaint (ULP) No.251/1993 filed by the Petitioner herein was allowed.

4 In the light of the above, this Court has not issued any specific direction which calls for an act of compliance from the Respondent. The dismissal of the Writ Petition against the judgment of the Industrial Court would not, in my view, be a cause for filing the contempt of court proceedings, more so when the Petitioner can resort to the execution proceedings under the Industrial Disputes Act, 1947 or under the MRTU & PULP Act, 1971.

5 It is trite law that where execution proceedings can be resorted to with reference to the judgments delivered by the subordinate

Courts, the contempt proceedings would not lie. It is equally settled that the Industrial Court under the MRTU & PULP Act, 1971 is not a Court as understood under Section 10 of the Contempt of Courts Act, 1971.

6 Considering the above, this Contempt Petition is dismissed with liberty to the Petitioner to resort to the available remedies for seeking execution of the judgment of the Industrial Court delivered in Complaint (ULP) No.251/1993.

kps

(RAVINDRA V. GHUGE, J.)