

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

909 CONTEMPT PETITION NO. 358 OF 2017
IN WP/10887/2015

DIGAMBAR VITHALRAO SAMINDRE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

WITH
910 CONTEMPT PETITION NO. 359 OF 2017
IN WP/10885/2015

NAGNATH LAXMANRAO CHILAKEWAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

WITH
911 CONTEMPT PETITION NO. 360 OF 2017
IN WP/10888/2015

KAILASH TULSHIRAM SHAHANE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Shri Kale Mahesh P.
AGPs for Respondents/ State : Shri S.N.Kendre in CP/358/2017 and Shri
S.K.Tambe in CP/359 and 360/2017.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 08th August, 2017

Per Court:

1 I have heard the learned Advocate for the Petitioners and the
learned AGP appearing for the Respondents/ State.

2 The order of this Court dated 17.11.2015 in Writ Petition Nos.10885/2015, 10887/2015 and 10888/2015 would indicate that this Court has directed the Deputy Director of Vocational Education and the Directorate of Vocational Education and Training to deal with the proposal of the Petitioners. The Deputy Director was to prepare the proposal within 12 weeks and the same was to be sent to the Director, who was to deal with the said proposal within 16 weeks thereafter. In all, 28 weeks were granted for the said purpose.

3 The pleadings of these Petitioners in paragraph 6 of the Contempt Petitions would indicate that these Petitioners served the letters dated 16.06.2016, 07.10.2016, 20.10.2016, 23.01.2017 and 27.04.2017 upon the said two Authorities, demanding that they should absorb them in regular service as per the directions of this Court and specifically as "Karyashala Parichar" (Class-IV). It is evident from the order of this Court dated 17.11.2015 that no such direction for absorption of these Petitioners was passed. These Petitioners were out of employment from 31.05.2007 and the direction that was issued by this Court was to find out whether, these Petitioners could be considered for allotment of work, if they are eligible for any benefits as per the Government Resolution dated 05.02.2007.

4 It appears that these Petitioners have attempted to misuse the order of this Court by issuing the letters to the Respondents seeking

absorption as "Karyashala Parichar" and quoting the High Court as having issued such directions for absorption.

5 Similarly, it is stated in paragraphs 7 and 8 of the Contempt Petitions that the Respondents are guilty of willful and deliberate disobedience by not absorbing the Petitioners as "Karyashala Parichar" and that the Respondents ought to have issued the appointment orders to the Petitioners as "Karyashala Parichar". Having not so done, they are guilty of contempt.

6 Considering the above pleadings, I find that these Petitioners have attempted to misuse the order of this Court and have tried to convey a message to the Respondents that this Court has directed their absorption as "Karyashala Parichar".

7 These Contempt Petitions, therefore, deserve to be dismissed with costs of at least Rs.10,000/- in each petition for abusing the process of law. However, Shri Kale apologetically submits on behalf of the Petitioners that the costs may not be imposed as they are out of employment for ten years.

8 Considering his request, these Contempt Petitions are dismissed without imposing any costs.

9 It is, however, expected of the Respondents, which the learned AGP shall convey to them as an officer representing the Government, that the directions dated 17.11.2015 need to be complied

with and if any further proceeding is initiated by these Petitioners squarely within the framework of the order passed by this Court alleging non compliance, such proceeding would be entertained on its own merits.

kps

(RAVINDRA V. GHUGE, J.)