

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

**CONTEMPT PETITION NO. 674 OF 2016
IN WP/911/2013
SANJAY MURLIDHAR JADHAV AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

**WITH
CONTEMPT PETITION NO.675 OF 2016
IN WP/10424/2012
SUHAS S/O BHIMASHANKAR KUPADE AND OTHERS.
-VERSUS-
THE STATE OF MAHARASHTRA AND OTHERS.**

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Shri Sapkal V.D., Advocate for the Petitioners.
Shri Nitin Deshpande, Special Counsel a/w Shri N.T.Bhagat, AGP, for
Respondent Nos.1 and 2.
Shri S.T.Shelke, Advocate for Respondent No.3.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 17th January, 2017

Per Court:

1 This matter was posted to 30.01.2017 considering the earlier
order passed by this Court on 21.12.2016.

2 This matter was mentioned on 16.01.2017 and was circulated
for this day by the learned AGP citing the reason that the affidavit in reply
on behalf of Respondent No.2 has been filed to indicate that firstly, the
said Affiant has tendered an unconditional apology and secondly that the
orders of appointment dated 13.01.2017 and 16.01.2017 have been issued

by the Zilla Parishad, Latur and the Zilla Parishad, Osmanabad with regard to these Petitioners/ Employees, who are original Respondents in the pending Writ Petitions.

3 It is stated by the learned AGP on behalf of Respondent Nos.1 and 2 that the directions of this Court set out in its order dated 16.01.2015 have been complied with. The Petitioners herein have been granted the appointment orders by the Zilla Parishads, Latur and Osmanabad and they would be in employment till the Writ Petitions filed by the State are decided. Considering that the interim orders were passed in the Writ Petitions, such arrangement has been arrived at by and on behalf of the State.

4 Shri Sapkal, learned Advocate appearing on behalf of the Petitioners/ Employees in these two Contempt Petitions, submits that Respondent No.3 need not be blamed since the said Respondent had a little role to play and therefore, may not be said to have willfully or deliberately disobeyed the directions of this Court. He takes an exception to the affidavit filed by Respondent No.2, who is the Secretary, Rural Development Department, Government of Maharashtra, that though it is stated that an unconditional apology has been tendered, the apology tendered is conditional.

5 There can be no dispute that since the Respondents had not complied with the order and had sought an adjournment on 21.12.2016, an amount of Rs.10,000/- was directed to be deposited by Respondent Nos.2 and 3.

6 The learned AGP submits that the concerned Authorities have moved swiftly and in order to avoid further delay, they have issued the orders of appointment to these Petitioners/ Employees pending the hearing of the Writ Petitions. He has, therefore, submitted that the fact that an apology has been tendered, may be considered by this Court and the order of costs may be recalled.

7 Shri Sapkal submits, on instructions, that both these Contempt Petitions can be disposed of as the Petitioners are satisfied in the light of the appointment orders dated 13.01.2017 issued by the Zilla Parishad, Latur and dated 16.01.2017 issued by the Zilla Parishad, Osmanabad.

8 Shri Sapkal further submits that the Petitioners are more interested in earning their daily bread and are in need of employment. Even if the Respondents have belatedly complied with the interim

directions of this Court, the Petitioners are satisfied and this petition can be disposed of.

9 Considering the above, both these Contempt Petitions are disposed of. The apology tendered by the Respondents is accepted. The order of imposing costs dated 21.12.2016 stands recalled.

10 Consequently, Criminal Complaint (ULP) Nos.15/2014 to 25/2014 pending before the Labour Court, Latur shall stand disposed of and the Labour Court, Latur shall, accordingly, pass the orders in those complaints disposing them of in the light of the above.

11 The litigating sides in the pending two Writ Petitions are at liberty to move the said petitions for an early hearing. However, it be noted by the Respondents/ Authorities that the Employees/ Petitioners herein shall continue in employment pursuant to the appointment orders dated 13.01.2017 and 16.01.2015 till the disposal of the pending Writ Petitions.

kps

(RAVINDRA V. GHUGE, J.)