

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
CONTEMPT PETITION NO. 286 OF 2017

Shri. Vilas Aba Sargar

.....Applicant

V/s.

Shri. Manoj Sounik, The Secretary and Ors

....Respondents

Mr. M. A. Patil Advocate for Applicant.

Mr. Yashodeep Deshmukh Advocate for Respondent no. 3.

Ms. R. A. Salunkhe AGP for the State.

**CORAM : NARESH H. PATIL &
Z. A. HAQ, JJ.**

DATE : 11th AUGUST 2017.

P.C.

1 By this petition, petitioner has complained that the order passed by this Court in Writ Petition No. 2663 of 2017 on 20/06/2017 is not complied by the respondent/employer and is being willfully disobeyed by the respondent/employer.

2 The petitioner had filed Writ Petition No. 2663 of 2017 challenging the suspension pending inquiry. The Writ Petition was disposed of by this Court by the order dated 20/06/2017 observing that as the inquiry report was

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submitted to the Competent Authority and it was at the stage of issuance of show cause notice calling upon the petitioner/employee to submit his say on the conclusions recorded in the inquiry report, this Court was not inclined to consider the challenge to the suspension of the petitioner/employee. But while disposing the petition, it was observed that the petitioner/employee would be at liberty to give his reply to the show cause notice and if felt necessary he may rely on Government Resolution and Circular which he referred to in the petition and it was expressed that the Competent Authority should consider the petitioner's reply to the show cause notice and to pass reasoned order taking into consideration the relevant Government Resolutions and the Circulars.

3 The grievance of the petitioner is that after this Court passed the order on 20/06/2017, the respondent/employer immediately issued the termination order dated 23/06/2017 and the contentions of the petitioner/employee, Government Resolutions and Circulars relied upon by the petitioner are not dealt with and not considered. It is submitted that this Court had specifically directed the respondent/employer to consider the reply of the petitioner and

also to consider the Government Resolution and Circular on which the petitioner would be relying, but still the respondent/employer has not considered the reply of the petitioner/employee, Government Resolution and Circular.

4 By order passed on 13/07/2017, this Court directed issuance of notice to the respondent/employer to show cause why proceedings for contempt of the order passed by this Court should not be initiated. This Court also observed that respondent would be at liberty to withdraw the order dated 23/06/2017 and pass fresh order in terms of directions given by the order dated 20/06/2017.

5 In response to the show cause notice, respondent/employer has filed reply on affidavit. It is stated that the Authority has considered the reply and the documents annexed to the reply including Government Resolution and Circular and after getting satisfied about applicability of the Government Resolution and Circular, the order came to be passed on 24/06/2017. It is submitted that though the Government Resolution and Circular were

considered by the Authority while passing the order dated 24/06/2017, due to inadvertence, their reference remained to be made in the order. As per the liberty granted by this Court while issuing show cause notice of this Contempt Petition, the respondent/employer withdrew the order dated 24/06/2017 and passed fresh order on 24/07/2017, keeping in view the directions given by this Court in the order passed on 20/06/2017.

6 We are satisfied with the reply given by the respondent Authority. It cannot be said that the respondent-Authority wilfully disobeyed the directions given by this Court. We see no reason to initiate proceedings against the respondent-Authority for contempt of the order passed by this Court.

6 The show cause notice issued to the respondents is discharged. Contempt Petition is dismissed.

In the circumstances, the parties to bear their own costs.

[Z. A. HAQ, J.]

[NARESH H. PATIL, J.]