

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CONTEMPT PETITION NO.25 OF 2011

IN

WRIT PETITION NO.303 OF 2009

WITH

NOTICE OF MOTION NO.145 OF 2013

IN

CONTEMPT PETITION NO.25 OF 2011

WITH

NOTICE OF MOTION NO.513 OF 2015

IN

WRIT PETITION NO.303 OF 2009

Kazi Rukhsana Mohomed

... Petitioner

v/s

The State of Maharashtra and others

... Respondents

Mr C.R. Sadasivan for Petitioner.

Mr A.I. Patel, Addl. GP for Respondent Nos.1 to 3.

Mr Nitin Ghawre i/b Mr Ajit Karwande for Respondent Nos.4 and 5.

**CORAM : SHANTANU S. KEMKAR &
B.P. COLABAWALLA, JJ.**

DATE : APRIL 3, 2017

P.C.:

1. Heard learned counsel for the parties.
2. By filing this Contempt Petition, the Petitioner has alleged

non-compliance of the order dated 18th January 2010 passed by the Division Bench of this Court in Writ Petition No.303 of 2009.

3. In this Contempt Petition, time to time, certain directions were issued to Respondents. In response it appears now almost entire due amount has been paid by the Respondents to the Petitioner. In the reply affidavit, a statement to that effect has been made by the in-charge Joint Director of Higher Education, Mumbai. Alongwith the reply, details of amount paid and payable to the Petitioner, statement showing the calculation of interest on salary arrears and gratuity, summary of interest calculation on pension alongwith further detailed charts have been filed.

4. The learned counsel for the Petitioner submits that so far as the amount shown by the Respondents in their reply and in the documents given is concerned, the said amount has been received by the Petitioner. He however submits that the calculation of interest on the part of the Respondent is not correct. No details have been shown as to how interest calculation for the period from May 2003 to June 2008 on amount of Rs.1,99,973/- at the rate of 8 % p.a. has been

arrived at.

5. Having considered the documents tendered and having gone through the reply filed by the State, supported by the charts, we of the view that substantial part of the order of which non-compliance has been alleged has been complied with. It appears that only dispute remains is about interest part as stated above.

6. In the circumstances, we dispose of this Contempt Petition, however, with liberty to the Petitioner to submit a detailed representation before the Joint Director, Higher Education Department within four weeks from today. On receipt of the same, the Joint Director, Higher Education Department, shall examine the Petitioner's grievance and take appropriate decision on the said representation. If any amount towards interest is still found to be payable, the same be paid to the Petitioner. The entire exercise be completed within four months from the date of the receipt of the representation.

7. The Contempt Petition is disposed of.

8. In view of the aforesaid order, Notice of Motion No.145 of 2013 is also disposed of.

(B.P. COLABAWALLA, J.)

(SHANTANU S. KEMKAR, J.)