

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CONTEMPT PETITION NO.107/2016
IN WRIT PETITION No. 2138/2014.

Gangadhar Sakharam Tonde

-VERSUS-

Smt. Deepa S. Mudhod, C.E.O., Z.P. Buldhana.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

CORAM : B.P. DHARMADHIKARI &
MRS. SWAPNA JOSHI, JJ.

DATE : FEBRUARY 01, 2017.

Heard Shri A.I. Sheikh, learned counsel for the petitioner and Mrs. S.W. Deshpande, learned counsel for respondent.

2. Respondent claims that they have paid full subsistence allowance. Learned counsel for petitioner submits that affidavit filed with assertion vide St.No.10001/2016 dated 10.08.2016 has been varied lateron. Additional affidavit has been filed when petitioner pointed out arrears, and in additional affidavit deductions from amount of subsistence allowance are pointed out.

3. After hearing, we find that the deductions

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have been made towards government group insurance, professional tax etc. Thus, amount of deductions is not withheld by the employer for its own purpose.

4. The correctness of this action, therefore, cannot fall within contempt jurisdiction, however, petitioner is at liberty to challenge said action.

5. At this stage, learned counsel for petitioner points out that subsistence allowance for the month of January and February, 2016 is not stated to be paid by the respondent in affidavit filed vide St. No. 10001/2016. The affidavit shows that petitioner did not supply copy of income tax return even after reminder and therefore, his salary for those two months has not been drawn. Subsistence allowance for the month of March/April, 2016 is shown to be paid.

6. In this situation, this action of not drawing salary can also be assailed by the petitioner in appropriate jurisdiction. Hence, with liberty as mentioned above, Contempt Petition stands disposed of.

JUDGE**JUDGE**

Rgd.