

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

CONTEMPT PETITION (CP) NO. 127 OF 2001

IN

WRIT PETITION NO. 2851 OF 1997

(Wasudeo Bapuraoji Bele .v. Dr. (Ku) Nisha Krishnarao Zoting and others)

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

Court's or Judge's Orders

Shri A.C. Dharmadhikari, Advocate for the petitioner.
Shri R.L. Khapre, Advocate for respondent Nos.8, 11, 13 to 15.
Shri A.M. Balpande, AGP for respondent No.3.

CORAM : PRASANNA B. VARALE AND
Z.A. HAQ, JJ.
25TH JANUARY, 2017.

Heard.

In this contempt petition, the petitioner has made grievance that the respondents have willfully disobeyed the order passed by this Court on 09th April, 2001 on Civil Application No. 3967 of 2000 in Writ Petition No. 2851 of 1997. The order reads thus :-

“Heard.

Insofar as the prayer clause (a) is concerned, the relief cannot be granted, as it would amount to allowing the petition. In so far as prayer clause (b) is concerned, the petitioner is seeking release of his salary from July, 1997. The responsibility of paying the salary of the petitioner is lying with the Management. Therefore, we direct respondent No.4/Management to pay all the arrears of salary of the petitioner on or before 30th June, 2001, as it is respondent No.4/Management which has transferred the petitioner from unaided institution to aided institution, at their risk. The order be complied with by respondent Nos.3 and 4. Application is disposed of accordingly.”

The respondent No.1 has filed affidavit sworn on 18th November, 2003 stating that an amount of Rs.3,99,000/- is deposited with the Registry of this Court and this amount is towards the arrears of salary payable to the petitioner as per the order passed on 09th April, 2001. Though the petitioner has filed an affidavit sworn on 30th June, 2010 stating that he is entitled for further amount of Rs.2,11,310/- towards the arrears as per IV Pay Commission and an amount of Rs.4,70,136/- towards the arrears as per V Pay Commission, the petitioner has not been able to substantiate the claim for this additional amount.

Another aspect which is relevant is that the petitioner had filed Writ Petition No. 2851 of 1997 challenging the decision of the Joint Director, Higher Education, Nagpur Division, Nagpur, by which the proposal for transfer of the petitioner from unaided institution to aided institution was rejected. While considering the challenge raised by the petitioner in the writ petition, the order dated 09th April, 2001 came to be passed as an interim relief. Writ Petition No. 2851 of 1997 is dismissed on 02nd December, 2014.

In view of the above, we see no reason to exercise our jurisdiction under the provisions of Contempt of Courts Act, 1971. Notice issued to the respondents stands discharged. Contempt Petition stands disposed of accordingly. In the circumstances, parties to bear their own costs.

JUDGE

JUDGE

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