

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CONTEMPT PETITION NO. 306 OF 2016

IN

WRIT PETITION NO. 1926 OF 2014 (D)

(SAGAR PRABHAKAR GOLE...VS.. MAHADEV VISHNUPANT KHENDKAR & 2 OTH.)

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

Court's or Judge's orders

Shri G.R.Sadar, Advocate for Petitioner.
Shri Apoorva De, Advocate for Respondent Nos. 1 & 2.
Shri K.S.Malokar, Advocate for Respondent No.3.

CORAM : Z.A.HAQ, J.

DATED : MARCH 27, 2017.

Heard.

The respondent Nos. 1 and 2, identified by Shri Apoorva De advocate, are present.

The petitioner approached this Court by the contempt petition with the grievance that the directions given by this Court in the judgment delivered in Writ Petition No. 1926 of 2014 on 1st February, 2016 are not complied by the respondents inasmuch as the back wages receivable by the petitioner were not paid.

In response to the notice issued by this Court, the respondent Nos. 1 and 2 have filed affidavit sworn by the respondent No.1 on 22nd February, 2017 pointing out that the demand drafts for the amount of Rs.8,37,532/- receivable by the petitioner were ready which amount included salary of the petitioner till 28th February, 2017. On 27th February,

2017 the demand drafts were handed over to Shri G.R. Sadar, advocate for the petitioner and the petitioner was directed to file affidavit pointing out whether the claim of the petitioner was satisfied. The petitioner has filed affidavit sworn on 24th March, 2017 stating that his claim is satisfied.

The respondent No.1 has filed affidavit sworn on 27th March, 2017 stating that regular salary of the petitioner will be paid by the management till he is legally entitled to receive the salary. The learned advocate for the respondent Nos. 1 and 2 has submitted that the salary of the petitioner will be paid until he continues to work with the management and it will not be withheld on the ground that the amount is not disbursed by the Education Department.

The respondent Nos. 1 and 2 have tendered unconditional apology in the affidavit dated 22nd February, 2017.

In view of the above, I am not inclined to exercise jurisdiction either under Article 215 of the Constitution of India or under the provisions of the Contempt of Courts Act, 1971.

The notice of contempt issued against the respondents is discharged.

The contempt petition is **disposed**. In the circumstances, the parties to bear their own costs.

JUDGE