

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

CONTEMPT PETITION NO. 318 OF 2017
IN
WRIT PETITION NO. 5316 OF 2015

Vijay s/o Bhaskarrao Deshmukh .. Petitioner

versus

Vijay s/o Manikchand Bhandari .. Respondent

Mr Rahul R. Karpe, Advocate for petitioner

Mr Amol S. Gandhi, Advocate for respondent

CORAM : SUNIL P. DESHMUKH, J.

DATE : 17th October, 2018

ORDER :

1. Present contempt petition has been moved by petitioner since non compliance of order dated 24-01-2017 in writ petition bearing no. 5316 of 2015 has been complained of. Relevant part of order dated 24-01-2017 reads thus;

" 10. Considering the above, Rule. On the condition that the petitioner shall reinstate respondent No. 5 forthwith and deposit 25% of the back-wages (till reinstatement) in this Court within eight weeks, there shall be a stay to the payment of the Back wages. If these directions are not complied with, respondent No. 5 would be at liberty to execute the impugned order. "

2. Contempt petition has been filed, complaining that respondent has not complied with aforesaid directions.

3. Parties inform that contempt petitioner has been reinstated in April, 2017.

4. It has also further been given to understand, an aggregate sum of Rs.13,00,000/- towards 25 % of back-wages as per order dated 24-01-2017 has been deposited.

5. The matter had been before this court on 10-08-2018 and the court had observed that the respondent had undertaken to pay salary from April, 2018 to July, 2018. Said order is stated to have been complied with.

6. Learned counsel Mr Karpe, however, submits that the amount of Rs.13,00,000/- which is stated to have been deposited is far less amount than due to the petitioner. According to his instructions, said amount also misses out on benefit of certain increments.

7. It appears that dispute is with regard to calculation or computation of back-wages because while respondent has claimed deposited amount to be as directed by the court,

contempt petitioner has disputed the same. Issue of computation of amount is to be dealt with by appropriate authority of the State. Parties to make an approach accordingly.

8. As such, it does not appear that the case would fall for prosecution of present contempt proceedings.

9. Learned counsel Mr Karpe, on instructions, makes a grievance that regular salary is also not being paid to the contempt petitioner. Respondent would do well to continue to pay salary which would be legitimately due to the petitioner.

10. Contempt petition stands disposed of.

SUNIL P. DESHMUKH
JUDGE

pnd/-