

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

**CONTEMPT PETITION NO. 653 OF 2016
IN
WRIT PETITION NO. 8381 OF 2013**

Ramnath Waman Pagar .. Petitioner

Versus

Manukumar Shrivastav and another .. Respondents

Shri Amol N. Kakade, Advocate for the Petitioner.

Mrs. M. A. Deshpande, Addl.G.P. for Respondent Nos. 1 and 2.

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVAL, JJ.**

DATE : 22ND MARCH, 2018.

FINAL ORDER :

. The learned counsel for the petitioner states that, the respondents have not complied with the orders passed by this Court dated 13th August, 2015 in Writ Petition No. 8381 of 2013. The learned counsel further submits that, the respondents were directed to consider the case of the petitioner for pensionary benefits as the petitioner had attained permanency. The learned counsel also relies on the entry of service book to submit that, the petitioner was given pay scale and treated as permanent in view of the order passed by the Labour Court in Complaint (ULP) filed by the petitioner.

2. The learned Additional Government Pleader submits that, in respect of present contempt petitioner, no order was passed by the Industrial Court granting benefit of permanency or regularizing service of the petitioner. Only termination order of the petitioner was set aside. No regularization of service or permanency was granted to the petitioner.

3. We have considered the submissions canvassed by learned counsel for respective parties.

4. The order dated 13th August, 2015 in Writ Petition No. 8381 of 2013 is passed considering the judgment and order of the Industrial Court dated 29.12.1994 in ULP filed by the persons who have been granted permanency by the Industrial Court. In the present case, the petitioner had not approached the Industrial Court and had approached the Labour Court. The Labour Court had never granted any permanency and regularization of service and only reinstated the petitioner in the service.

5. The order dated 13th August, 2015 passed in Writ Petition No. 8381 of 2013 and connected writ petitions would apply to those persons in whose favour the Industrial Court had passed judgment and order dated 29.12.1994. In case of the present contempt petitioner, Industrial Court had not passed any order.

In view of that, the petitioner would not get the benefit of the order dated 13th August, 2015.

6. In the light of the above, it cannot be said that, the respondents have committed any contempt of the order passed by this Court. The contempt petition as such is disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

bsb/March 18