

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 106 OF 2014

IN

WRIT PETITION NO. 8086 OF 2010

Shri. Shivaji Babu Kamble
and Ors.

....Petitioners

V/s.

State of Maharashtra & Ors.

.....Respondents

* * * * *

Mr. Avinash R. Belge, Advocate for the petitioners.

Mr. Y.S. Khochare, AGP for the respondent-State.

*Coram : A.S. Oka, &**Sandeep K. Shinde, JJ.**Monday, 17th December, 2018.*P.C. :

1. The breach alleged is of the order dated 23rd July, 2013. Perused the affidavit-in-reply of Dr. Rajkumar Motilal Kamble, Divisional Joint Director, Higher Education, Kolhapur. Perusal of paragraphs-4 and 5 of his Affidavit shows that, there is a substantial compliance is made of the order of which breach is committed. For the delay, the said officer has tendered an apology.

2. The learned Counsel appearing for the petitioner invited our attention to Civil Application No. 105 of 2018 in which a grievance is made that the fifth and sixth respondents have not provided a copy of the service book to the petitioner.

3. The Affidavit of Dr. Rajkumar Motilal Kamble shows that, not only that compliance was made but after pay-fixation, certain amounts have been paid to the petitioner.

4. If the grievance of the petitioner is that either pay-fixation is not proper or the entire amount due is not paid, the same cannot be entertained in this Contempt Petition and the petitioner will have to adopt appropriate remedy.

5. Even as regards the alleged failure to provide service book, we find that there is no direction issued under the order of which breach is alleged. Therefore, the petitioner will have to adopt appropriate remedy for redressal of this grievance. Suffice it to say that, no case is made out to take any further action against the respondents under the Contempt of Courts Act, 1971. However, the questions, whether the petitioner is entitled to a copy of service book and whether the pay-fixation is proper, are kept open to be

decided in appropriate proceedings. Even the grievance, if any, of the quantum of amount payable to the petitioner is kept open. Subject to what is observed above, the Contempt Petition as well as the Civil Application are disposed of.

(SANDEEP K. SHINDE, J)

(A.S. OKA, J)