

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION

CONTEMPT PETITION NO.641 OF 2014

Mrs. Farhana Babu Mohd. Ayyub

And Another

... Petitioners

Versus

Jadeed Anjumane Taleem

And Others

... Respondents

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Mr. Abdul R. Shaikh for the Petitioners.

Mr. N.R. Bubna for Respondent Nos.1 to 3.

Ms. Vaishali Nimbalkar, AGP for Respondent Nos.4 to 6.

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CORAM : S.C.GUPTE, J.

DATE : 25 JUNE 2018

P.C. :

. This contempt petition prays for an order of committal of Respondent Nos.1 to 5 for having breached, or failed to comply with, the order passed by this Court on 10 October 2007 in Writ Petition Nos.4469 of 1997 and 4470 of 1997, read with the order of the Supreme Court dated 19 March 2010 in SLP Nos.7383 of 2009 and 8086 of 2009.

2 The dispute concerns salaries payable to the Petitioners as a result of an order of reinstatement with back wages and continuity in service passed by this Court in writ petitions referred to above. When the matters were carried by the management to the Supreme Court in SLPs, the Supreme Court, by consent of parties, interfered with the order of back wages. The Supreme Court accepted the management's submission that it would pay a

lumpsum of Rs.2,00,000/- as back wages to the two teachers concerned here instead of what was ordered to be paid by the court. This amount was subsequently changed to Rs.2,50,000/- by another order passed by the Supreme Court on 26 March 2010. In pursuance of the orders passed by this Court and the Supreme Court, as noted above, the teachers were reinstated. They were also paid the respective amounts towards back wages. Their salaries were thereafter paid on the basis of their seniority considering the continuity of service ordered in their cases. Such salaries were paid to both teachers between the years 2010 and 2011 (upto July 2011). The Head Mistress of the school, thereafter, sent a communication to the Education Department taking a position that since the Supreme Court did not countenance the order of back wages passed by this Court, the salaries of the two teachers cannot be revised. The salaries of the teachers were reduced and even recoveries were ordered to the extent of difference of salaries, namely, revised salaries based on continuity of service and reduced salaries. This action on the part of Respondent Nos.1 to 5 has prompted the Petitioners to file the present contempt petition.

3 Learned Counsel for the Respondent points out that after an order passed recently, i.e. on or about 13 July 2017, salaries of the two teachers have been appropriately revised and restored with retrospective effect, i.e. on the basis of the original decision of this court in the two petitions. The salaries have, accordingly, been now revised and brought in line what was due to the Petitioners on the basis of their original appointment and continuity of service throughout the period. Learned Counsel submits that the original reduction was through a misunderstanding and expresses regret for the same.

4 Since the Respondents have now acknowledged their mistake and have duly revised the salaries of the Petitioners and have also agreed to refund the purported excess amount of salaries recovered from them earlier, no useful purpose would be served in entertaining the present contempt petition. Apology tendered by learned Counsel for the Respondents is accepted and the contempt petition is disposed of. The Education Department is directed to act on the orders passed by this Court and the Supreme Court, as noted above, on an expeditious footing, preferably within eight weeks from today. Needless to add that since their salaries have been duly revised with retrospective effect, all arrears, that is to say, the difference from August 2011 till July 2017, will have to be paid to the teachers.

(S.C. GUPTE, J.)