

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CONTEMPT PETITION NO. 77 OF 2016
IN
WRIT PETITION NO. 543 OF 2002

Smt.D.V. Pandit and ors. .. Petitioners
Vs.
Dr.C.Chandramouli and ors. .. Respondents

Mr.Ramesh Ramamurthy & Mr.Saikumar Ramamurthy, for the
Petitioners.
Mr.Y.S.Bhate i/b Mr.N.R.Prajapati, for Respondents.

**CORAM : SMT. V.K.TAHILRAMANI ACTING C.J.
AND M.S.KARNIK, J.**

**RESERVED ON : 31st JANUARY, 2018
PRONOUNCED ON : 06th FEBRUARY, 2018**

ORDER (PER M.S.KARNIK, J.) :

1. This Contempt Petition arises out of the alleged breach of the judgment and order dated 18/12/2012 passed by this Court in Writ Petition 543 of 2002.

2. Learned Counsel for the petitioners invited our attention to the operative part of the said order at paragraph 8

which reads thus :

“Accordingly Writ Petition No. 543 of 2002 is allowed in terms of prayer clause (cc) and Writ Petition No. 1653 of 2003 is allowed in terms of prayer clause (a) and (b). Petitioners in both these Petitions are entitled to be regularized as LDCs from the date of their initial appointment. It is further directed that petitioners in both these Petitions are entitled to the consequential benefits including seniority and other benefits for the purpose of fixation of their pension.”

3. Learned Counsel for the petitioners submits that respondents have still not complied with the order in as much as the seniority position of the petitioners is not yet determined.

4. Learned Counsel Shri Ramamurthy also invited our attention to the order dated 09/01/2015 passed by this Court in Contempt Petition No. 70 of 2013 filed by the petitioner No.1 on the earlier occasion. This Court recorded its satisfaction that there is sufficient compliance with the order passed by this Court. The respondents were directed to comply with the rest of the order within 3 months from 09/01/2015. The petitioner No.1 was given liberty to apply, if necessary. Shri Ramamurthy invited our attention to the final seniority list of LDCs dated 01/04/2003 and contended that this does not amount to

compliance with the order passed by this Court. According to him, the seniority position of the petitioners in the entire cadre of LDC is not clear. According to the Shri Ramamurthy, the respondents should have placed the petitioners at the appropriate seniority position in the entire cadre of LDC.

5. The respondents have filed a detailed affidavit in reply. Learned Counsel for the respondents invited our attention to provisional seniority list of LDCs as on 15/04/2014. He pointed out that LDCs mentioned at serial Nos. 5 & 6 were not the petitioners. According to him, it is not correct to say that seniority of the petitioners is not determined. He further submits that the provisional list of LDCs was published as on 01/05/2016 in the DCO, Maharashtra, Mumbai. Even in the said provisional seniority list, LDCs at serial Nos. 5 & 6 are not party to any of the Petitions filed in this Court. By OM dated 09/05/2016, the concerned employees were called upon to submit a representation/objection to the seniority list if any regarding omissions, additions, deletions to make in his/her

own case. The petitioners chose not to make any representation. Accordingly, final seniority list as on 01/05/2016 was published. Learned Counsel submits the order passed by this Court stands complied with.

7. Learned Counsel for the petitioners however pointed out that the final seniority list of LDCs as on 01/05/2016 cannot be of only 7 persons. According to him and as is his submission which is reflected earlier, respective position of the petitioners is not shown in the cadre wise seniority which respondents failed to prepare. This according to Shri Ramamurthy amounts to non compliance with the order passed by this Court.

8. Having heard learned Counsel and upon going through the affidavit dated 28/08/2017 filed by the respondents, we are of the opinion that the directions of this Court even insofar as grant of seniority is concerned stands complied with. It is not as if final seniority list prepared by the respondents reflects only the names of the petitioners for we

find that LDCs at serial Nos. 5 & 6 are included in the seniority list though not party to the Petitions filed in this Court. Be that as it may, if the petitioners have any grievance about the legality of the final seniority list, it is for the petitioners to challenge the said list before the appropriate forum. It is not possible for us to decide the issue raised by learned Counsel for the petitioners in course of this Contempt Petition as the same would require detailed adjudication on merits. Suffice it to mention that there has been compliance of the order passed by this Court. By granting liberty to the petitioners to challenge the final seniority list before appropriate forum if so advised, we are of the opinion that the order passed by this Court stands complied with. Contempt Petition is therefore disposed of.

(M.S.KARNIK, J.)

(ACTING CHIEF JUSTICE)