

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CONTEMPT PETITION NO. 40 OF 2017
IN LETTERS PATENT APPEAL NO. 212 OF 2010
IN WRIT PETITION NO. 2563 OF 2005

(Pramod Singh s/o Late Shri Hanuman Singh Parihar vs. Mrs. Kavita Gharat, G.M./ C.G.M.,
Maharashtra State Electricity Distribution Co. Ltd. & Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's Orders.

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
Z.A. HAQ, JJ.
JULY 31, 2018.**

Heard Shri P.D. Meghe, learned Advocate for the petitioner, Shri R.E. Moharir, learned Advocate for respondent Nos. 1 to 3 and Shri M.P. Khajanchi, learned Advocate for respondent No. 4.

2. By this petition, the petitioner complains that the judgment delivered by this Court in Writ Petition No. 2563 of 2005 on 12.01.2010, by which the claim of the petitioner was allowed in terms of prayer clause (3) of the complaint which was filed by the petitioner before the Industrial Court, is not being implemented. According to the petitioner, as per the judgment delivered by this Court, the respondents should have granted all the benefits to the petitioner treating him as regular and permanent in the post of Assistant Computer Operator / Assistant Programmer with effect from 27.10.1988. The claim of the petitioner is that if the benefits are properly worked out, the

petitioner is entitled to the amount of Rs. 39 lakh approximately, however, the respondents have paid him only Rs. 8 lakh.

3. Shri Moharir, learned Advocate for the respondents states that the petitioner is paid an amount of Rs. 15 lakh.

4. In response to show cause notice issued by this Court, the respondents have filed their reply/ affidavit pointing out that they have complied with the directions given in the judgment delivered in Writ Petition No. 2563 of 2005.

5. At the time of hearing, learned Advocate for the petitioner submitted that the respondents have not granted him benefit of time bound promotions as granted to other similarly situated employees and resultantly the petitioner is not paid the difference of amount which the petitioner should have been paid, giving him the benefit of time bound promotion.

6. After hearing the learned Advocates for the respective parties, we find that the grievance which is being made by the petitioner cannot be the subject matter of Contempt Petition. We find that the respondents have not willfully disobeyed any directions which necessitates invoking of the jurisdiction under the Contempt of Courts Act, 1971. The other grievance regarding not granting time

bound promotion and the benefits accordingly, as sought to be raised by the petitioner cannot be examined in the contempt jurisdiction.

7. Hence, we dispose this Contempt Petition. If the petitioner has any grievance, the petitioner will be at liberty to avail appropriate proceedings according to law. The submissions made by the respective parties about entitlement of the petitioner are not dealt with and are kept open for consideration by appropriate authority/ forum.

8. No costs.

JUDGE

JUDGE

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