

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CONTEMPT PETITION NO.93/2016

IN

WRIT PETITION NO.4136/2007 (D)

Mr. Vijay S/o Shriram Pund

..Vs..

Mr. Sanjay Gangadharrao Korde, General Manager, Wardha District Central
Co-operative Bank, Wardha

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

Court's or Judge's orders

Ms. Kalpana Pathak, Advocate for the petitioner.
Shri S.S. Ghate, Advocate for respondent No.1.

CORAM : Z.A. HAQ, J.

DATE : 16.1.2018.

Heard.

The grievance of the petitioner is that the directions given by this Court by the judgment delivered in Writ Petition No.4136/2007 on 26th June, 2015 (which are maintained by the Hon'ble Supreme Court) to the respondent to make available to the petitioner all monetary benefits after regularizing his services, are not complied with. In response to the show cause notice issued by this Court, the respondent has filed affidavit pointing out that the judgment passed by this Court was challenged before the Hon'ble Supreme Court in special leave petition which is dismissed on 9th May, 2016 and immediately on 21st June, 2016 a resolution was passed granting benefit of regularization to the petitioner and the amount receivable by the petitioner is deposited in his salary account in Wardha District Central Co-operative Bank on 15th July,

2016. It is argued that in these facts, it cannot be said that there is any wilfull disobedience of the directions given by this Court, by the respondent.

The learned Advocate for the petitioner has submitted that the petitioner has not received any amount and it is because of the instructions given by the respondent to the bank that the petitioner should not be given the amount.

The Advocate for the respondent has pointed out that the respondent has not issued any instructions, and the Reserve Bank of India has issued directions to the bank restricting the operation of all accounts in the bank. It is submitted that as per his instructions, now, the account holders are permitted to withdraw upto 40% of the amount from their account. The Advocate for the respondent, on instructions, has made statement that the respondent has no objection for withdrawal of the entire amount by the petitioner, if it is permitted by the bank.

In view of the above, I see no reason to initiate proceedings under Contempt of Courts Act against the respondent. The show cause notice issued to the respondent is discharged. The contempt petition is **disposed**. In the circumstances, the parties to bear their own costs.

If the amount is not given to the petitioner by the bank, the petitioner will be at liberty to take appropriate proceedings for withdrawal of the amount, if so advised.

JUDGE