

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

CONTEMPT PETITION NO.112 OF 2018

IN

WRIT PETITION NO.6522 OF 2015 [D]

[Dr. Ramdas s/o Govindrao Chaware .vs. Sau. Archana Nerkar and others]

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

Court's or Judge's orders

Shri Anup D. Dangore, counsel for the petitioner.

CORAM : SMT. VASANTI A NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATED : APRIL 13, 2018.

Heard.

By this contempt petition the petitioner seeks an action against the respondents for willful disobedience of the directions in the order dated 27.6.2016.

It is stated on behalf of the petitioner that by the order dated 27.6.2016 the petitioner was permitted to make a representation and the respondents were directed to decide the same within four weeks. It is stated that the education authorities have released the amount payable to the petitioner towards leave encashment to the management but the management is not releasing the same.

The petitioner ought not have filed the contempt petition as we do not find any direction in the order of which the contempt is alleged, directing the management or the education authority to release the amount towards leave encashment benefits to the petitioner. The court had only directed the respondents to decide the representation of the petitioner within four weeks. After that, there is no direction to any of the respondents to do any particular act. In the absence of any

specific direction against the respondents to pay the amount towards leave encashment benefits to the petitioner, action under the Contempt of Courts Act cannot be initiated against the respondents.

In the result, we dismiss the contempt petition with no order as to costs. The petitioner is free to avail the appropriate remedy if so advised. Order accordingly.

JUDGE

JUDGE

Gulande