

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

Contempt Petition No.216 of 2017
in
Writ Petition No.4083 of 2001(D)
(Kanhaiyalal Ramlal Kashi .vs. Sudhir Chandrakant Panchbhai, Divisional
Controller, M.S.R.T.C. Nagpur.)

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

Court's or Judge's orders.

Mr. G.M. Shitut, Advocate for Petitioner.
Mr. R.C. Charpe, Advocate for Respondent.

CORAM : Manish Pitale, J.
DATED : December 04, 2018.

By this petition, the petitioner, original respondent no.1 in Writ Petition No. 4083 of 2001, claimed that the respondent-Corporation (original petitioner in the said writ petition) had committed contempt of the judgment and order dated 30.03.2017 passed by this Court in the aforesaid writ petition.

2. The Corporation had filed the said writ petition challenging the judgment and order of the Industrial Court dated 03.10.2001, wherein the petitioner in this contempt petition was granted continuity in service on the post of Cleaner with all consequential benefits. After the dismissal of the writ petition and confirming the order of the Industrial Court, it was directed by this Court that the Corporation shall calculate the entire benefits payable to the petitioner within a period of two months and the entire payment shall be made thereafter within a period of one month. On failure of the Corporation to make such payment with the said period,

it was directed that the petitioner would be entitled to interest @ 16 % P.A..

3. On 04.09.2018, this Court passed the following order:-

"Heard.

2. The contention of respondent is that the order of which the contempt is alleged is complied with. This submission is seriously disputed by the learned counsel for the petitioner who submits that pay scale of Cleaner and the consequential benefits inter alia increments etc. are not extended from 09.08.1992, as is the mandate of the order.

3. It would not be appropriate to adjudicate the factual controversy in contempt petition.

4. The petitioner is directed to prefer an application under Section 33-C(2) of the Industrial Disputes Act, 1947 ('Act' for short) within 15 days from today. If such application is preferred within 15 days, the same shall be finally decided by the Labour Court within a month.

5. The learned counsel for the petitioner to serve an advance copy of the application under Section 33-C(2) of the Act to the learned counsel for the respondent Shri Charpe and to indicate therein the date of proposed filing. If such copy is served the same shall be deemed to be adequate notice to the respondent and the Labour Court shall not issue fresh notice to the respondent."

4. Pursuant thereto, the Labour Court, Nagpur

passed its judgment and order dated 16.11.2018 holding that the Corporation had made full and final payment of entire arrears due and payable to the petitioner, including payment of amount of interest @ 16 % P.A., as directed by this Court. The said facts, particularly the judgment and order dated 16.11.2018 passed by the Labour Court, demonstrate that nothing further survives in the present contempt petition. Accordingly, it is disposed of.

JUDGE

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