

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
CONTEMPT PETITION NO. 124 OF 2013 IN
WRIT PETITION NO. 2506 OF 2009

Rajkumar Pratapsing Rathod

Petitioner

Versus

Smt. Vanmala Julalsing Rathod
& another

Respondents

Mr. M.B. Sandanshiv, advocate holding for Mr. S.P. Shah, advocate
for the petitioner.

**CORAM : PRASANNA B. VARALE &
AVINASH G. GHAROTE, JJ.**

DATE : 18th September, 2019

PER COURT:

1 Heard learned counsel for the petitioner.

2 The Contempt Petition is filed on the premise that the
order of this Court dated 29.11.2011, in Writ Petition No.
2506/2009, is not complied with.

3 Bare perusal of the order dated 29.11.2011, copy of
which is placed on record at Exhibit-C to the petition, would show
that being aggrieved by an order passed by the appellate authority,

namely, Divisional Social Welfare Officer, the management had filed Writ Petition No. 2506/2009. The Division Bench found no error in the order passed by the appellate authority and in clear and unambiguous words it was observed that, in the facts of the case, the Division Bench is not inclined to exercise extraordinary jurisdiction under Article 226 of the Constitution of India. Resultantly, writ petition came to be dismissed.

4 The petitioner herein, who was respondent no. 1 in Writ Petition No. 2506/2009, by way of present contempt petition, makes a grievance that though the order of the appellate authority was challenged before this Court and the writ petition was dismissed, the management has failed to comply the order of the Divisional Social Welfare Officer and the monetary benefits in the nature of salary are not paid to the petitioner.

5 By no stretch of imagination, it can be said that non-compliance of the order passed by the appellate authority i.e. Divisional Social Welfare Officer or District Social Welfare Officer can be treated as willful disobedience of an order of the 'Court'. Thus, the premise on which contempt petition is filed in this Court itself is nothing but an erroneous impression of the petitioner. As

such, we see no reason to entertain the present contempt petition.

6 The contempt petition, being devoid of merit, is dismissed at the threshold. The petitioner may avail other remedies, if so advised, for compliance of the order of the appellate authority.

AVINASH G. GHAROTE
JUDGE

PRASANNA B. VARALE
JUDGE

adb/