

Sequeira

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION*

CONTEMPT PETITION NO. 540 OF 2014

Smt. Shivsharan Anuradha Kondiba & Ors. ... Petitioners.

V/s.

Janvikas Prathisthan Nanded
through its Chairman

Mr. Shyamsundar Govindrao Chikhlikar & Ors. ... Respondents.

Mr. A.N. Naikwadi, for the Petitioners.

Mr. M.M. Pabale, Addl. Government Pleader for the State –
Respondent Nos.3 and 5.

Mr. R.V. Bansode, for Respondent No.1.

Mr. Ashish B. Shinde, for Respondent No.7.

*CORAM : PRADEEP NANDRAJOG, C.J. &
N.M. JAMDAR, J.*

DATE : 27 JUNE 2019.

P.C. :-

1. The Petitioners have approached this Court seeking an appropriate action against the Respondents for committing contempt of the order dated 23 December 2013 passed by this Court in Writ Petition No.10849 of 2012.

2. The Petitioners had filed aforesaid Writ Petition complaining that the Respondent-Educational Institute is not allowing the Petitioners to resume duties though they were transferred to the Respondent-Institution. This Court, by order dated 6 December 2013, directed the Secretary, Department of Social Justice to take a decision on the complaint of the Petitioners. Thereafter by the order dated 23 December 2013, the Petition was disposed of accepting the statement made by the Respondent -Institution that the Petitioners will be allowed to report to work and resume duties. The Court also directed the Commissioner of Disabilities to take necessary steps. The Commissioner, directed that the Petitioners should join the service within seven days. According to the Petitioners, the Respondents have not allowed the Petitioners to perform their duties and have violated the Court order therefore, this Contempt Petition.

3. The Contempt Petition was filed in the year 2014 and is pending since then. The learned counsel for the Respondent-Institution argued that, as is evident from the Petition, the Petitioners joined work for some time and thereafter they went on mass leave. The learned counsel for the Petitioners *per contra* submitted that the current Management of the Respondent-Institution is unauthorised and the Petitioners would not join in an institution which is managed by an illegal Management. The learned

counsel for the Respondent-Institution and the learned Addl. Government Pleader assert that the transfer of Management has taken place lawfully and the Petitioners are needlessly taking objection to the legality of the Management and are not joining work.

4. The direction of this Court to the Respondent-Institution was to allow the Petitioners to join in service, which the Respondent-Institution is ready to comply. It is the Petitioners stand that the Petitioners will not join under an illegal Management.

5. In the Contempt jurisdiction it is not possible for us to adjudicate whether the Respondent-Institution's Management is legal or otherwise, which is a different lis between the parties. The Petitioners will have to adopt an independent remedy if they have grievance on that count. Contempt Petition is accordingly disposed of.

N.M. JAMDAR, J.

CHIEF JUSTICE