

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

WRIT PETITION NO.5859 OF 2018

Vijay Jagannath Indolikar	...Petitioner
vs.	
Maharashtra Jeevan Pradhikaran Through Member Secretary & Ors.	...Respondents

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- Mr. Rajshekhar S. Alange, Legal Aid Advocate for Petitioner.
- Mr. Ajit Ram Pitale, Advocate for Respondent No.1.
- Mr. Vijay J. Indolikar, petitioner in person.

**CORAM : C. V. BHADANG, J.
DATE : 13th DECEMBER, 2019**

P.C. :

1. The challenge in this petition is to the order dated 17/11/2017 passed by the learned Civil Judge, Senior Division, Sangli in Misc. Civil Application No.155/2010. By the impugned order, the learned Trial Court has dismissed an application filed by the petitioner, purportedly for taking action for contempt of this Court.

2. The brief facts are that the petitioner was in service of the respondent as a Clerk. The services of the petitioner came to be terminated in the year 1984. The petitioner

challenged the same in Special Civil Suit No.38/1984 which was dismissed. The petitioner challenged the dismissal of the suit in Regular Civil Appeal No.483/1991 which also came to be dismissed. It appears that the petitioner approached this Court in Second Appeal No.100/1994 against the same. This Court by a judgment and order dated 26th / 27th April, 1994 allowed the appeal and held that the termination or removal of the petitioner was bad in law and was nonest and the petitioner is deemed to have continued in service. In such circumstances, this Court directed the respondent to permit the petitioner to rejoin his service and further to compute the dues payable to him and to pay the same.

3. It appears that the petitioner filed Civil Application No.5639/2000 in the disposed of Second Appeal for certain directions. That application was disposed of by this Court on 14/12/2000 observing that it will be for the Executing Court to execute the decree of this Court arising out of Second Appeal No.100/1994. All the rights and contentions of both the parties, save and except for what have already

been adjudicated, were kept open.

4. There is no dispute that the petitioner was eventually reinstated in 1996 and has since superannuated in the year 2008. The record further discloses that the petitioner filed Special Darkhast No.23/2001 before the learned Trial Court and the first respondent had deposited amount of Rs.1,87,000/- and Rs.12,212/- before this Court and an amount of Rs.11,911/- before the Executing Court.

5. The record further discloses that the Execution Application has since been dismissed, with the observation that there are no further dues recoverable from the respondent. It is further a matter of record that the order passed in the Execution Application is subject matter of challenge before this Court in Second Appeal No.330/2017 which has been admitted on 27/12/2017.

6. The petitioner had filed a Contempt Petition before this Court being Contempt Petition No.340/1996 which has been dismissed on 17/6/1997. This Court has noted that the

respondent Board was not only ready and willing to pay the amount computed which was payable but the same was offered, however the petitioner, for reasons best known to him, did not accept the same and had refused to co-operate with the respondent Board.

7. It is in these circumstances, that the petitioner filed an application before the Trial Court being Misc. Civil Application No.155/2010 again for taking action for contempt of the order passed in the second appeal. The learned Trial Court has dismissed the application on the ground, that it is not maintainable, under Section 15 of the Contempt of Courts Act and is also barred by limitation under Section 20 of the said Act, which order is subject matter of challenge in the present petition.

8. I have heard learned counsel for the petitioner and the learned counsel for the first respondent.

9. I do not find that in the circumstances, there is any case for interference made out. As noticed earlier, the

petitioner was re-instated in service in pursuance of the order passed in second appeal and has since superannuated in the year 2008. The petitioner had filed Execution Application which has been dismissed on the ground that there are no further dues recoverable. That order as noticed earlier is challenged in Second Appeal No.330/2017 which is pending. Thus, it is neither necessary nor appropriate to go into the question as to whether the Execution Application has been rightly dismissed or not, in the present petition. The earlier contempt petition filed by the petitioner being Contempt Petition No.340/1996, has been dismissed on 17/6/1997. The learned Trial Court, in my considered view, has rightly found that the application for taking action for contempt of this Court was not maintainable before the Trial Court. Thus, subject to the issue in Second Appeal No.330/2017 being left open, the petition is disposed of with no order as to costs.

(C. V. BHADANG, J.)