

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO. 387 OF 2016
IN
WRIT PETITION NO. 5482 OF 2004**

Manikroa Ganpat Hajare

.. Petitioner

Vs.

Maharashtra State Road Transport Corporation
and Others.

.. Respondent

Mr. Dharmesh S. Joshi i/b. Mr. Aviraj S. Tarar for the Petitioner.

Mr. G. S. Hegde a/w. Mr. C. M. Lokesh for Respondent nos. 1 and 2.

CORAM : A.K. MENON, J.

DATED : 17th JANUARY, 2019.

P.C. :

1. In this Contempt Petition the grievance of the petitioner is that the respondents are in breach of the order dated 30th September, 2008 -Exhibit A to the petition whereby petitioner was to be provided alternate employment in the Corporation by virtue of provisions of Section 47 of the Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 ("The Disabilities Act"). In the course of submissions today, learned counsel for the petitioner submitted that the petitioner has not been given light duty even though he was reinstated in services with back wages on account of increment being given to other staff members and denying him this increment.

2. It is a matter of record that the Corporation has vide affidavit of Mr. Sanjay Waman Supekar , Deputy Controller of the Corporation dated 17th July, 2018 disputed the petitioner's contention and set out the manner in which salary has been computed in paragraph 4 and 6 of the reply. There is no dispute that these averments have not been controverted. In the circumstances it is clear that what the petitioner now seeks to do in the year 2016 is to take shelter under order dated 30th September,2008 and raise fresh dispute in relation to his terms and conditions of service.

3. Nothing has been shown to me which would lead this Court to hold the respondent in contempt of the order dated 30th September, 2008. It is however open to the petitioner to seek relief in relation to his allegation of reduction of pay or non payment of increment, if so advised. If such an application is made it will be decided on its own merits. This court has not examined the case on merits. The petition is therefore liable to be dismissed.

4. Meanwhile it has come to the notice of this Court that in numerous matters the employees of the Corporation are required to file petitions in this Court on account of the petitioner Corporation not having provided alternate employment. Under Section 47 of the Disabilities Act it is incumbent upon the Corporation to provide alternate employment. Numerous employees are being forced to approach this Court seeking such relief when it is the duty of the Corporation to offer alternate employment. It is appropriate therefore

that the Corporation file an affidavit setting out particulars of such matters awaiting disposal.

5. On a query from the court as to who will provide such information Mr. Hegde states that the General Manager (Personnel) of the Corporation should be the person who will have knowledge of cases where employees are required to be given alternate employment. In view of the fact that this Court has come across numerous cases and considering the fact that petitions filed do not, many a time, reach for want of time, it would be appropriate in the fitness of things that all these matter be grouped together to consider the Corporation's stand in these cases.

6. I therefore direct the General Manager (Personnel) of the respondent Corporation to file an affidavit in this Court within a period of four weeks from today setting out particulars of all employees who have sought and/or are eligible to seek alternate posts due to disability incurred by way of accident or otherwise provided these disability was incurred during the service of the Corporation.

7. List for compliance on 14th February, 2019.

(A.K. MENON.J.)