

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CONTEMPT PETITION NO.80/2019 IN WRIT PETITION NO.3686/2011 [D]

Madhuri Namdeorao Gajbhiye

Versus

Dr. Raju Deshmukh and one

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

Shri R.A. Haque, Advocate for the petitioner,

Shri C.S. Kaptan, Senior Advocate, assisted by Shri P.K. Mohta,
Advocate for the respondents.

Coram : R.K. Deshpande & Vinay Joshi, JJ.

Date : 16.07.2019.

The complaint in this petition is that the petitioner has not been paid the house rent allowance and the conveyance allowance although she was entitled to under the judgment and order dated 09.06.2017 passed in Writ Petition No.3686/2011.

It is not disputed that the petitioner was receiving such allowances prior to 2017. The direction of this court was to fix the salary of the petitioner in the proper pay-scale as per the recommendations of the fifth and sixth pay commissions and to start releasing regular salary accordingly. The petitioner submits that this included the house rent allowance and conveyance allowance.

According to the respondents, the petitioner was, in fact, not entitled to, as her husband himself is drawing house rent allowance

while in service of the private aided institution and she is living with her husband. All these are the disputed questions of fact and the petitioner is at liberty to file appropriate proceedings for recovery of such amount in accordance with the law.

We do not find that any such case is made out for contempt. The proceedings are dropped. All questions are left open to be agitated at an appropriate stage.

(Vinay Joshi, J.)

(R.K. Deshpande, J.)