

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

CONTEMPT PETITION NO.43/2017

IN

WRIT PETITION NO.254/1993 (D)

AND

WRIT PETITION NO.1297/1995 (D)

Mohammad Idrees s/o Abdul Bashir and others

...Versus...

Asif Husain Munaf Husain, President, Urdu Education Association, Amravati,
Taluq and District Amravati and others

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

Court's or Judge's orders

Shri S.P. Dharmadhikari, Sr. Counsel with Shri S.O. Ahmed, Counsel for petitioners
Mrs. K.S. Joshi, Addl. G.P. for respondent no.2
Shri Firdos Mirza, Counsel for respondent no.3

**CORAM : SUNIL B. SHUKRE AND
MILIND N. JADHAV, JJ.**

DATE : 11/10/2019

1. Heard Shri S.P. Dharmadhikar, learned Senior Counsel with Shri S.O. Ahmed, learned Counsel for the petitioners, Shri Firdos Mirza, learned Counsel for the respondent no.3 and Mrs. K.S. Joshi, learned Additional Government Pleader for the respondent no.2.

2. Shri P.T. Deotale, Joint Director of Vocational Education and Training, Regional Office, Amravati is personally present. Nobody is present for the respondent no.1.

3. The dispute in this contempt petition is mainly between the petitioners and the respondent nos.2 and 3. During the pendency of the petition, there has been a settlement between the main contesting parties. The settled terms, duly signed by the learned Counsel for the petitioners, have been filed on record vide St. No.13814/2019.

4. Shri Mirza, learned Counsel for the respondent no.3 submits that these terms of settlement are acceptable to the respondent no.3, as per instructions received by him, and he would be filing pursis to that effect during the course of the day.

5. Learned Additional Government Pleader, on instructions from Shri Deotale, Joint Director of Vocational Education and Training, Amravati submits that the terms of settlement are also acceptable to the Joint Director of Vocational Education and Training, Amravati except for some part of Clause-B and Clause-G of the terms, which require some modification. She has suggested the modification to be carried out to Clauses-B and G. She submits that a pursis to that effect would also be filed by the respondent no.2 during the course of the day.

6. As the dispute is mainly between the petitioners and the respondent nos.2 and 3, we do not find it necessary to wait for the respondent no.1 to appear before this Court and make his submissions. But, he appeared later.

7. In view of above, now the contempt petition deserves to be disposed of in terms of settlement terms. The contempt petition is disposed of in terms of settlement terms with following modification to be effected to Clauses-B and G. Clauses-B and G shall now read thus :-

“Clause – B : That the respondent No.3 - Management shall send their proposal to the respondent No.2 – Joint Director of Vocational Education and Training, Amravati Division, Amravati for releasing the salary of the petitioners from 25/10/2016 till the date of reinstatement in service and the respondent No.2 - Joint Director of Vocational Education and Training, Amravati Division, Amravati shall decide the said proposal, as per law, within four weeks, sent by the respondent No.3 – Management and in case the proposal is rejected by him, the petitioners would not claim the salary from the respondent No.3.

Clause – G : The respondent No.3 shall send the proposal submitted by the petitioners regarding their voluntary retirement to the respondent No.2 within a period of one week from the date of receipt of the application from the petitioners and the respondent No.2 - Joint Director of Vocational Education and Training, Amravati Division, Amravati shall grant approval to the voluntary retirement application of the petitioners, within a period of four weeks from the date of receipt of the same and thereafter shall forthwith release the salary of the petitioners/employees from the date of reinstatement till acceptance of the application for voluntary retirement and shall also release the pension and other ancillary benefits.”

8. Rest of the terms shall remain as they are and all the terms shall bind the contesting parties herein.

The contempt petition is disposed of accordingly. Liberty is granted to the contesting parties to approach this Court for seeking clarifications, if any, in the matter. No order as to costs.

JUDGE

JUDGE

Wadkar, P.S.