

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

**CONTEMPT PETITION NO.363 OF 2016**

Kanhaiya s/o Murlidhar Dadure, Satranji Pura, Near Eknath Mandir, Nagpur

-vs-

Sanjay Devkinandan Bhargava and ors.

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Office notes, Office Memoranda of  
Coram, appearances, Court's orders  
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri S. S. Shingane, Advocate for petitioner.  
Ms Ritu Jog, Advocate for respondent Nos.1 and 2.  
Shri V. A. Thakare, Assistant Government Pleader for  
respondent No.3.

**CORAM : A.S.CHANDURKAR, J.**

**DATE : July 03, 2019**

The grievance of the petitioner in the present contempt petition is the alleged wilful breach committed by the respondents in complying with the order passed in Writ Petition No.4654/2012. By the order dated 12/11/2013 passed in the said writ petition, it was held that the petitioner was entitled to continuity of service on the post of Assistant Professor for all purposes from the date of his initial appointment which was 02/07/2007. Pursuant to the notice issued by this Court an affidavit has been filed on behalf of the respondent No.2 indicating the manner in which the benefit of continuity has been given to the petitioner. Reference is made to the communication dated 07/04/2017 indicating the pay fixation of the petitioner.

2. According to the petitioner his pay has not been appropriately fixed despite the fact that he had obtained necessary qualifications entitling him to higher pay benefits. The petitioner claims entitlement to such benefits from 02/07/2007 in a higher

scale.

3. On perusal of the material on record it is clear that the respondents have taken steps to grant continuity of service to the petitioner. However the grievance of the petitioner is that said benefit has not been appropriately granted. In other words, the petitioner is aggrieved by the manner in which such continuity in service has been granted. It is found that while for granting such continuity of service to the petitioner there is no deliberate breach on the part of the respondents though there was delay in granting this benefit to the petitioner which does not appear to be intentional.

4. In that view of the matter, liberty is granted to the petitioner to move an appropriate representation to the Management indicating the manner of his entitlement to appropriate benefits of continuity of service. On such representation being made to the Management it shall take all necessary steps to redress his grievances. Needless to state that if the petitioner is not satisfied with the benefits granted to him, he is free to take such steps as are permissible in law.

The Contempt Petition is disposed of accordingly. No costs.

**JUDGE**