

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

CONTEMPT PETITION NO.408/2016

Sayeed Bano Ramzan Khan

Vs.

Mohd. Raffique Sheikh Idu and others.

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

Court's or Judge's Orders.

Mrs. S.S.Dashputre, Advocate for petitioner.
Shri M.R.Johrapurkar, Advocate for respondent no.1.
Shri V.A.Thakre, Assistant Govt. Pleader for respondent no.4.
Shri Anup S.Dhore, Advocate for respondent no.5.

CORAM : A.S.CHANDURKAR, J.

DATED : July 10, 2019

The grievance in this contempt petition was willful disobedience of the order dated 28.10.2015 passed by the School Tribunal wherein it was directed that the petitioner shall be reinstated on the post of 'Assistant Teacher' within a period of 30 days and would also be entitled for back-wages from the date of termination of her services till reinstatement.

This order passed by the School Tribunal has been challenged in Writ Petition No. 3128/2016. In the said writ petition on 23.04.2018 time of four weeks was granted to the Management to deposit 50% amount of back-wages and on that condition the direction as regards reinstatement was stayed. The writ petition was admitted on 20.08.2018 and the petitioners were directed to deposit entire amount of back-wages. This order was challenged by the Management by filing Special Leave Petition No. 26830/2018. By the order dated 26.10.2018, the Hon'ble Supreme Court extended the time to deposit 50% of the amount of back-wages in terms of order dated 23.04.2018 by a period of three months.

Pursuant thereto the Management has deposited an amount of Rs. four lakhs.

It is informed that in the meanwhile, the petitioner has also been reinstated in service.

Shri M.R.Johrapurkar, learned counsel for respondent no.1 submits that as 50% of the amount of back-wages has been deposited, the order of which non compliance has been alleged stands complied with.

Mrs. S.S.Dashputre, learned counsel for the petitioner however submits that 50% of the amount of back-wages as calculated by the petitioner have not been deposited. The amount of Rs.four lakhs as deposited is on a lower side.

Considering the directions given to the Management to deposit 50% of the amount of back-wages, which direction has been complied with coupled with the fact that the services of the petitioner have been reinstated, the question whether the amount of Rs.four lakhs constitutes 50% of back-wages or whether further amount is liable to be deposited towards 50% of back-wages is a matter which can be considered in the writ petition challenging the judgment of the School Tribunal.

In view of the compliance with the interim order, it is not necessary to keep the contempt petition pending. The same is accordingly disposed of. The question as to what amount would constitute 50% of back-wages is open for being decided in the writ petition.

JUDGE

Andurkar.