

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE**

CONTEMPT PETITION NO.134 OF 2014

Shri Ashok Krushna Galande & others ... Petitioners

Vs

The State of Maharashtra & others ... Respondents

Mr.Samarth Moray i/b V.S. Talkute for the Petitioners
Ms.S.S. Bhende, AGP, for Resondent Nos.1, 2 and 3

**CORAM: S.C. DHARMADHIKARI &
R.I. CHAGLA, JJ.**

DATED: FEBRUARY 6, 2020

P.C.:

1. This Contempt Petition alleges civil contempt.
2. The contempt, according to the petitioners, is that a batch of Writ Petitions was filed before the Aurangabad Bench by similarly placed writ petitioners seeking the relief that Hostel Superintendents should be placed in the payscale of Rs.4500 – Rs.7000, as per the V Pay Commission w.e.f. 1.1.1996 and benefit of senior scale and selection payscale be also given to eligible persons with retrospective effect.

3. The Contempt Petitioners are also those, who are aggrieved and not placed in this scale. They relied upon an order passed by the Bench of this Court at Aurangabad. Based on that judgment rendered by Aurangabad Bench, civil Writ Petition No.10253 of 2010 of the petitioners was allowed. The order to that effect is dated 19.10.2011. The argument is that this order is based on the judgment and operative order of the Aurangabad Bench.

4. A perusal of the order passed by the Principal seat in the Contempt Petitioner's Petition denotes that it has been allowed simpliciter in terms of the judgment rendered at Aurangabad. On a perusal of this, we do not find that the ingredients of civil contempt are made out. It may be that this is an order or decree but for it to be termed as disobeyed deliberately / intentionally, something more would have to be demonstrated and proved. Merely because the Writ Petition is allowed in terms of certain prayers, does not mean that we can, on non-compliance therewith, proceed on the footing that there is a civil contempt. Civil contempt is defined in section 2 clause (c) of the Contempt of Courts Act, 1971 to mean willful disobedience to any judgment, decree, direction, order, writ or other process of a Court. Now, the element of willful

disobedience would have to be established and proved. If that is lacking, we cannot entertain the petition alleging civil contempt. The Contempt Petition is not a remedy to seek enforcement and execution of a binding order. For that, the law provides several other remedies.

5. In such circumstances, this Contempt Petition is misconceived and is dismissed.

(R.I. CHAGLA, J.)

(S.C. DHARMADHIKARI, J.)

**Vishwanath
S. Sherla**

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Vishwanath S. Sherla
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