

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CONTEMPT PETITION NO. 41 OF 2016
IN
WRIT PETITION NO. 1629 OF 2013

Ravindra Uddhavrao Ingule ... Petitioner
V/s.

Industry Energy and Labour Dept.
and Ors. ... Respondents

Mr. Sean Wassoodev for the Petitioner.
Mr. L.T. Satelkar, AGP for Respondent No.3.

**CORAM: K.K.TATED, &
SARANG V. KOTWAL JJ.
DATE : 18th FEBRUARY 2020**

P.C.

1 Heard learned Counsel for the parties.

2 By this Contempt Petition, the Petitioner prays that action be taken against Respondent Nos. 1 to 2 for non compliance of order dated 25.07.2015 passed by this Court in Writ Petition No. 1629 of 2013.

3 The learned counsel for the Petitioner submits that that this Court by Order dated 21.07.2015 directed Respondent Nos. 1 to 3 to release all the benefits payable to the Petitioner in terms of Govt. Resolution dated 24.11.2015 as expeditiously as possible in any event, within a period of two months from the date of order. The operative part of the said order, reads thus:

“ORDER

- (I) We direct the Respondent Nos.1 to 3 to release all the benefits payable to the Petitioner in terms of the Government Resolution dated 24th November, 2014 as expeditiously as possible and in any event within a period of two months from today;*
- (ii) First to third Respondents shall pay interest to the Petitioner on all the amounts due and payable under the Government Resolution dated 24th November, 2014 at the rate of 9% per annum from the date of lodging of this Petition (3rd April, 2013) till the respective dates of actual payment. We make it clear that the Petitioner shall be entitled to interest at the aforesaid rate even on the amounts of Rs.12,56,315/- and Rs.3,83,258/- released earlier. Interest due on the amounts already released shall be payable to the Petitioner within a period of two months from today;*
- (iii) We direct the first to third Respondents to pay to the Petitioner costs of this Petition quantified at Rs.50,000/- within a period of two months from today;*
- (iv) Needless to state that the State Government shall extend the benefits under the Government Resolution dated 24th November, 2014 to the similarly placed Members of the Industrial Court who had retired after 1st January, 2006. The benefits shall be extended to the similarly placed persons within a period of two months from today;*
- (v) Rule is made absolute on above terms.”*

4 The learned counsel for the Petitioner submits that there was delay on the part of the Respondent to comply the said order. Hence he preferred the present Contempt Petition. He submits that during the pendency of the present Contempt Petition, the Respondents

complied the said order and paid the amount along with interest. The learned counsel for the Petitioner submits that the Respondents failed to give any cogent reason for delay. Hence, action be taken against the Respondent.

5 On the other hand, the learned AGP for the Respondents vehemently opposed the present Contempt Petition. He submits that the concerned officer Mr. Rajendra Shamraoji Kaurte, Under Secretary, Department of Industries, Energy and Labour filed his Affidavit-in-Reply dated 05.02.2020 explaining the delay. He submits that because of communication gap between two departments, it remained on their part to comply the said order. He tendered unconditional apology in para 9 of the Affidavit-in-Reply. Paragraph 9 of the Affidavit-in-Reply, reads thus:

“9. I humbly submit that, we tender our unconditional apology for the delay caused in making compliance. The delay was on account of circumstances beyond the control of Respondent Nos. 1 to 3. The Respondent No.1 most humbly submit that there is no willful or deliberate disobedience of orders by it and that only because of the aforesaid circumstances, the payment could not be made within the time, as directed. There is compliance of the direction given by this Hon’ble Court and the last payment has been made to the Petitioner after administrative sanction on 29.09.2016 by Industrial Court, Mumbai. The Respondent No.1 and 3 once again submits that there was no intention on their part to disobey the orders,

but only because of the circumstances mentioned hereinabove, payments could not be made within the time specified. The respondents once again tender an unconditional apology and humbly pray to this Hon'ble Court to accept the same."

6 The learned AGP for the Respondents submits that in view of subsequent development that compliance of the said order, there is no question of allowing the Contempt Petition. Hence, he submits that Contempt Petition be dismissed.

7 We heard both the sides at length.

8 Admittedly, there is delay on the part of the Respondents to comply the order passed by this Court on 21.07.2015 in Writ Petition No. 1629 of 2013. But, bare reading of the Affidavit-in-Reply filed by the Respondents shows that because of communication gap between the two departments and calculating amount due and payable to the Petitioner, there is a delay on their part. Apart from that, they tendered unconditional apology as stated above. In view of subsequent development, we do not see any reason to entertain the Contempt Petition.

9 Hence, Contempt Petition is dismissed with no order as to costs.

(SARANG V. KOTWAL, J.)

(K.K.TATED, J.)