

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

CONTEMPT PETITION NO.157/2017

Pratapsingh Vitthalsingh Belode

..V/s..

P.T. Deotale 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.G. Joshi, Advocate for the petitioner.

Ms K.R. Deshpande, A.G.P. for respondent Nos.1 and 2.

Shri A.M. Gorde, Senior Advocate, with Ms R.D. Raskar, Advocate for
respondent Nos. 3 & 5.

Shri G.R. Sadar, Advocate for respondent No.4.

CORAM : RAVINDRA V. GHUGE, J.

DATED : 6.1.2020.

1] I have considered the submissions of the learned Advocates for the respective sides on 3.1.2020 and today.

2] The controversy is with regard to the execution of the judgment of the School Tribunal dated 7.4.2008 delivered in Appeal No.63/2001. The petitioner management approached this Court vide Writ Petition No.3887/2008. After considering the submissions of the parties, this Court recorded that the management intends to conduct a fresh enquiry under Rules 36 and 37 of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981. Based on such submissions, this Court permitted the management to conduct an enquiry and imposed costs of ₹ 50,000/- (Fifty Thousand) to be paid to the petitioner - original appellant employee. He was granted reinstatement and

regular monthly salary during the pendency of the enquiry.

3] It appears that the management did not conduct an enquiry pursuant to the order of this Court dated 6.10.2008, for almost 8 years. By a resolution passed on 16.12.2016, the management took a final decision of not to conduct any enquiry against the petitioner and it had no objection for the payment of the regular salary and all increments. The copy of the said resolution on the letterhead of the management dated 27.3.2017 is placed on record in this petition as Annexure P-VII at page 57.

4] The decision of the management not to conduct a departmental enquiry has been crystallized by its communication dated 24.4.2017 addressed to the Joint Director, Vocational Education and Training, Regional Office, Amravati in which it is specifically stated in the last paragraph on internal page No.2 that this petitioner need not be subjected to any enquiry, he is entitled to all 24 annual increments, all monetary benefits and even diwali bonus from 21.9.1992 till date. It was also held that this petitioner was totally innocent and he has a good working ability and the management has no grievance against him. Thereafter, the management did not pay the monetary benefits to the petitioner and hence, this contempt petition.

5] I do find that the management had gone back on its statement made to this Court which was recorded on 6.10.2008 in the order passed in Writ Petition No.3837/2008. However, with the passage of 12 years and as the management has taken a final decision of fully exonerating the petitioner and no enquiry to be initiated, the management is now precluded from resiling from the said stand.

6] However, considering the above, I find that the petition under the Contempt of Courts Act, in view of an execution remedy being available under Section 13 of the MEPS Act, would not be entertainable. This petition is, therefore, **disposed off** with liberty to the petitioner to avail of the execution proceedings. The time spent by the petitioner in this Court from 17.6.2017 till the passing of this order, shall be a good ground for condonation of delay, if any.

7] Needless to state that, the petitioner would be entitled for interest on his dues to be paid only by the management keeping in view that the management has resolved vide its decisions referred above that the management would comply with the directions of the School Tribunal set out in the judgment dated 7.4.2008.

(RAVINDRA V. GHUGE, J.)