

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

CIVIL APPLICATION (CAN) NO.21 OF 2020

IN

CONTEMPT PETITION NO.229 OF 2018

IN

WRIT PETITION NO.1060 OF 2015

Shri Hiraji Natthurao Bangre.

Vs.

Shri Kawadu Khobragade, Former Secretary Dyan Prasarak Shikshan Mandal, Nimgaon, Tah. Saoil
Dist. Chandrapur and another.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri P. N. Shende, Advocate for petitioner.
Shri S. V. Sohoni, Advocate for respondent no.1.
Shri Rajnish Vyas, Advocate for respondent no.2.
Shri V. P. Maldhure, AGP for respondent no.4.

CORAM : AVINASH G. GHAROTE, J.

DATE : FEBRUARY 07, 2020.

CIVIL APPLICATION (CAN) NO.21 OF 2020

By this application, the respondent no.1 is sought to be deleted from the array of respondents. It is the contention of Mr. Sohoni, learned counsel for respondent no.1 that the respondent no.1 was deleted from the array of respondents in the Writ Petition No.1060 of 2015, by an order dated 08.02.2018, as such the present petition would not be tenable against him. It is to rectify this position that the present civil application has been filed.

Considering the above position, the civil application is allowed. The respondent no.1, is deleted from the array of respondent. Petitioner to carry out the amendment within a

period of a week from today. Civil Application No.21 of 2020 is disposed of.

CONTEMPT PETITION NO.229 OF 2018

Heard Shri P. N. Shende, learned counsel for the petitioner. Shri. R. S. Vyas, learned counsel for the respondent no.2 and Shri Maldhure, Assistant Government Pleader for the respondent no.4.

The present contempt petition has been filed claiming disobedience of the order dated 28.07.2015, which directs the respondent – management to continue the petitioner in the school administered by it and to make available to the petitioner, the monetary emoluments regularly.

Mr. Shende, learned counsel for the petitioner submits that the petitioner has been continued in service and is also getting the monetary emoluments regularly. His contention is that the revision in Pay Scales, have not been applied to the petitioner, which according to him is a direction included in the above interim order, disobedience of which has given cause for filing of the present petition. On a query being made, it is admitted by learned counsel for the petitioner that the issue of emoluments, as per revision in Pay Scales was never the subject matter of Writ Petition No.1060 of 2015. It is therefore apparent that the direction contained in the order dated 28.07.2015 cannot be related to pay as per revision in Pay Scales. The issue of pay as per the revise Pay

Scales being a separate one can be agitated independently, if the petitioner is entitled to the same in law. However, in so far as the present petition is concerned, in light of the statement made above, no disobedience is made out. The contempt petition does not survive and is accordingly disposed of. No order as to costs.

JUDGE

Sarkate