

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

CONTEMPT PETITION NO.372/2015

Digambar Kisan Ghirhe

..V/s..

Kisan Rangalal Pawar 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 V. A. Kothale, Advocate for the petitioner.
Shri G.R. Sarda, Advocate for respondent Nos.1 and 2.
Shri Kiran Malokar, Advocate for respondent Nos.3 and 5.
Ms M.A. Barabde, A.G.P. for respondent No.4.

CORAM : RAVINDRA V. GHUGE, J.

DATED : 6.1.2020.

1] The petitioner is the original appellant in Appeal No.58/2014. By judgment dated 23.1.2015, the School Tribunal allowed the appeal and issued the following directions:

- “1) *Appeal is allowed.*
- 2) *The respondent No.2 is directed to reinstate the services of the appellant by allowing him to sign the muster roll and to do the educational work as a regular employee.*
- 3) *The respondent No.2 is also directed to pay all the back-wages of salary to the appellant from the date of termination till the date of his reinstatement.*
- 4) *Services of the appellant, after his reinstatement be treated as continue*

from the date of his termination.

5) Copy of this order be sent to the Education Officer for information and necessary action.”

2] The learned Advocate for the appellant informs that though the Management has partly complied with the directions by reinstating the appellant, back-wages were not paid. It is informed that during the pendency of this proceeding, the back-wages are paid.

3] The learned Advocate for the Education Officer submits that the above reproduced directions have now been fully complied.

4] The learned Advocate for the Management submits that after reinstatement, now back-wages have been paid and the issue of payment of regular salary has to be handled by the Education Officer.

5] It is settled law that when an execution remedy is provided in a special Statute, contempt of court proceedings are not to be initiated since such proceedings under the Contempt of Courts Act cannot be utilized as a mode for seeking execution of the order. Section 13 of the MEPS Act specifically prescribes the mode of execution of the orders passed by the Tribunal in appeals filed under Section 9 of the MEPS Act.

6] In view of the above, this contempt petition need not be entertained and, therefore, is **dismissed**.

7] Needless to state that, if the appellant has any grievance about the non-implementation of the judgment of the School Tribunal, he shall be at liberty to avail of the execution remedy under Section 13.

(RAVINDRA V. GHUGE, J.)

Tambaskar.