

MV

IN THE HIGH COURT OF BOMBAY AT GOA

**CONTEMPT PETITION NO. 10 OF 2020
IN
CONTEMPT PETITION NO. 18 OF 2013**

MRS. LINA NAIK

Major of age,

Resident of H.No.193,

Simpal,

Sancoale, Goa

...Petitioner

Versus

1. MR.GIRISH PILLAI AND ANR.

Sarpanch,

Village Panchayat of Sancoale

Sancoale, Mormugao,

Goa – 403 710.

2. SANDHYA SHIRODKAR

The Secretary,

Village Panchayat of Sancoale,

Sancoale, Mormugao,

Goa – 403 710.

...Respondents

Mr. S.D Lotlikar, Senior Advocate with Ms. S. Keny, Advocate *for
the petitioner.*

Mr. Nikhil Vaze, Advocate *for respondent No.2.*

**CORAM: M. S. SONAK &
SMT. M. S. JAWALKAR,JJ.**

DATED: 22nd July 2021

ORAL ORDER:- (Per M.S. Sonak,J)

1. Heard Mr. Lotlikar, learned Senior Advocate for the petitioner, and Mr. Nikhil Vaze learned Advocate for the respondent No.2.

2. This is the second time that the petitioner, who is a nurse is required to invoke the contempt jurisdiction of this Court because the respondents, defaulted in compliance with our orders concerning payment of her salary.

3. To the petitioner's letter/legal notice dated 18/11/2019 insisting upon compliance, Deputy Sarpanch informed the petitioner that the panchayat in its meeting held on 18/12/2019 had resolved to apply for revision/modification of the order made by this Court of which contempt had been alleged.

4. Thereafter, however, the panchayat neither bothered to file any application for revision/modification nor complied with the order. At least prima facie, this amounts to contempt.

5. The petitioner was thereafter required to file the present Contempt Petition pointing out that even the assurances given in the previous Contempt Petition have not been complied with.

6. Mr. Vaz, learned Counsel for the respondents has placed on record a communication dated 19/07/2021 addressed to the petitioner. This communication states that an amount of ₹4,62,994/- has been credited in the account of the petitioner towards pending monthly salary from November 2019 to December 2020.

7. Mr. Vaze submits that from the year 2014 the local dispensary stopped functioning and further, even the Doctor who was posted at this dispensary has retired. He submits that the panchayat has been pursuing the matter with the Government for absorption of the petitioner in the Local Health Centre. He submits that there was no work for the petitioner and therefore, the panchayat felt that no salaries could be paid to her.

8. According to us, whatever the impression of the panchayat, the panchayat, was required to either seek modification or comply with the order.

9. Now that the amounts have been paid and there is no contest, we refrain from initiating any serious action under the Contempt of Court. However, in the facts of this case, we direct Mr. Girish Pillai, Sarpanch of Village Panchayat Sancoale to pay costs of ₹10,000/- to the petitioner within four weeks from today. These costs are required to be personally paid by Mr. Pillai without taxing the coffers of the

panchayat. This is because respondent No.1, as a Sarpanch should have realized that it is not proper to disobey the orders of the Court. As noted earlier this is a case where the panchayat neither sought modification nor chose to comply with the orders made.

10. It is made clear that if the amount of costs is not paid to the petitioner within four weeks from today, this Court will have to reopen the entire issue and consider whether it is a case of aggravated contempt.

11. The petition is disposed of in the aforesaid terms.

SMT. M. S. JAWALKAR,J

M. S. SONAK, J.

MEENA VISHAL
BHOIR

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