

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CONTEMPT PETITION NO. 534 OF 2019

Shri Atul Yashwant Gavade

... Petitioner

Versus

The State of Maharashtra and Ors.

... Respondents

Mr. Prashant Bhavake for the Petitioner.

Ms. Kavita N. Solunke, AGP for the State-Respondent No.1 to 4.

**CORAM: R. D. DHANUKA AND
R. I. CHAGLA, JJ.**

DATE : 14th JULY, 2021.

(Through Video Conference)

P.C. :-

. By this Contempt Petition, petitioners seeks an action under provisions of Contempt of Courts Act, 1971 against the respondent no.5 for disobeying and not complying with the order dated 18th February, 2019 passed by this Court in Writ Petition No. 2083 of 2019.

2. Mr.Bhavake, learned counsel for the petitioner invited our attention to the order dated 18th February, 2019 passed by this Court in the said writ petition holding that this Court on several occasions considered this issue involved in the writ petition and has held that such a blanket ban will not apply to an appointment on compassionate basis. This is not a fresh appointment, but so as to accommodate the family members of the bread winner, on account of his/her death, that this scheme is evolved. Though, the respondent no.5 was permitted to comply with the said order within three months from the date of the said order, till date the said order has not been complied with by the respondent no.5.

3. This Contempt Petition appeared on board on 26th February, 2020, 4th March, 2020, 7th April, 2021 and 9th July, 2021 when the learned AGP present on behalf of the respondents took time and was granted. The learned AGP also took adjournment to take instruction whether the order passed by this Court on 7th April, 2021 in this contempt petition has been complied with or not. The learned AGP now informs that on 4th April, 2021, the respondents have filed a Review Petition for recall of the said judgment dated 18th February, 2019. In our *prima-facie* view, the respondent no.5 is in gross contempt of the judgment dated 18th February, 2019. For more than two years the review petition was not filed by the respondent no.5 for seeking recall of the said judgment dated 18th February, 2019.

4. We are thus not inclined to grant any adjournment. The respondent no.5 is directed to comply with the said judgment dated 18th February, 2019 within one week from today. It is however made clear that the order passed by this Court today would be subject to the order that would be passed by this Court in the Review Petition filed by the respondents. Contempt Petition is disposed in aforesaid terms. If the order passed by this Court on 18th February, 2019 and this order are not complied with within one week from today, this Court would initiate an action against the respondent nos. 1 to 4 under the provisions of Contempt of Courts Act, 1971 and Article 215 of the Constitution of India.

[R. I. CHAGLA, J.]

[R. D. DHANUKA, J.]