

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

Contempt Petition No.170/2019

Ravindra Kisanrao Rawekar Vs. Sau. Bharti Diwakar Mehare & Anr.

 Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's Orders

Shri S.M. Vaishnav, Advocate for the Petitioner.
 Smt. S.W. Deshpande, Advocate for the Respondents.

CORAM : SMT. ANUJA PRABHUDESSAI, J.
DATE : 22nd FEBRUARY, 2021.

The Petitioner herein had filed this petition under Section 12 of the Contempt of Courts Act, 1971, alleging disobedience of the order dated 17/02/2008 passed by the School Tribunal in Appeal No.25/2007.

2. By order dated 17/07/2008, the Respondent Nos.1 and 2 were directed to reinstate the Petitioner within thirty days from the date of the judgment on the post of PTI, as he was holding it before the date of termination. In terms of the said order, the Petitioner was required to be reinstated on or before 17/08/2008.

3. By letter dated 05/08/2008, the Petitioner was reinstated on the post held by him before the date of his termination on the same terms and conditions mentioned in the earlier appointment order. The Petitioner was directed to join duties within 3 days. The Petitioner has not joined duty. The reason for not joining duty, as stated in paragraph 2 of the petition, is that the Respondent Nos.1 and 2 had imposed certain conditions and had directed the Petitioner to join the service after waiving his earlier salary. It is further stated

that the Petitioner was not reinstated on the earlier post but he was issued fresh appointment letter.

4. The letter dated 05/08/2008 does not indicate that the Petitioner was directed to waive earlier salary. The said letter also does not indicate that it was a fresh appointment. On the contrary, it clearly indicates that the Petitioner was reinstated on the post held by him prior to his termination. The Respondents in their affidavit-in-reply have specifically stated that the Petitioner had refused to join the duties despite receipt of the reinstatement order. The statement made in the said affidavit has not been controverted. It is also pertinent to note that the present petition is filed after a period of 11 years and is barred under Section 20 of the Contempt of Courts Act, 1971.

5. For the reasons stated in the above, the petition is dismissed.

(SMT. ANUJA PRABHUDESSAI, J.)