

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

CONTEMPT PETITION NO.21/2021 IN
WRIT PETITION NO.2023/2020(D)

Nitin Balkrushnaji Dange

Vs.

Ashish Yerekar , Project Officer, Integrated Tribal Development Department,
Gadchiroli, and another.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri P. P. Thakre, Advocate for petitioner.
Shri P. S. Verma, Advocate for respondent no.2.

CORAM :- A.S.CHANDURKAR AND PUSHPA V. GANEDIWALA, JJ.
DATED :- September 21, 2021.

The grievance of the petitioner in these proceedings is non-compliance of the interim order dated 24.08.2020 passed in Writ Petition No.2023/2020. By the said order the effect and operation of the transfer order dated 06.08.2020 transferring the services of the petitioner as 'Assistant Teacher' from Charmorshi, District Gadchiroli to Chimur, District Chandrapur was stayed. According to the petitioner, despite this interim order he was not permitted to join his duties.

It is seen that on 31.08.2021 the aforesaid writ petition was disposed of by directing the petitioner to resume his duty as Head Master from 01.09.2021 at Charmorshi, District Gadchiroli in view of the fact that the transfer order was cancelled.

The grievance of the petitioner is with regard to unpaid salary for the period from 20.08.2020 to 31.08.2021.

It is seen that while disposing of Writ Petition No.2023/2020 directions have been issued to the petitioner to make an application for grant of leave for the period of his absence from the school. Those directions in paragraph 2 are as under :

“2..... This is subject to the condition that the petitioner shall make an application for grant of leave for the period of his absence from the school and on receipt of the application, same shall be decided by respondent no.4 in accordance with law, within a period of two weeks from the date of the application. If any grievance in that regard arises for any of the parties hereto, liberty is always available to the aggrieved parties to approach this Court.”

We find that there is a dispute between the parties as regards the reason for the petitioner's absence from the school for the aforesaid period. In view of the fact that liberty has been given to the parties to approach the Court if any grievance survives, we do not find it necessary to keep the present proceedings pending. In the light of the aforesaid liberty, the petitioner is free to take appropriate steps after a conclusion is arrived at with regard to his absence from the school/he being prevented from joining the duties.

The contempt petition is disposed of.

JUDGE

JUDGE