

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

CONTEMPT PETITION NO.105/2021 IN WRIT PETITION NO. 6250/2017 (D)

(MUSHTAQUE AHMAD REHEMAN SHAH **VERSUS** LAXMAN CHINTAMAN PADHEN &
ANOTHER)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri C.A. Babrekar, counsel for the petitioner.
Shri P.S. Gawai, counsel for the respondents.

CORAM : A. S. CHANDURKAR AND G.A. SANAP, JJ.

DATED : 26TH OCTOBER, 2021.

The grievance raised by the petitioner in this contempt petition is that the compromise entered into between the petitioner and the Management dated 18.10.2018 has not been abided by. The aforesaid compromise pursis signed by both the parties was accepted by the Court while disposing of Writ Petition No.6250 of 2017 on 18.09.2018. The parties were directed to act as per the terms of the compromise. Under the said compromise, the petitioner received a cheque for an amount of Rupees Ten Lakhs towards arrears of salary which cheque has been duly cleared. It was also agreed between the parties that the amount of Provident Fund of the petitioner would be deposited in the Provident Fund Account within a period of four months from the date of the compromise. Since according to the petitioner the amount of Provident Fund was not deposited, the present proceedings have been filed.

After notice was issued in the contempt petition, the respondents have placed on record various receipts indicating deposit of amount of Provident Fund in the account of the petitioner from August-2019 onwards to July-2021. These payments have been made on 23.02.2019, 13.05.2019, 30.09.2020 and 16.08.2021.

It is informed that with regard to the determination of the Provident Fund dues, the proceedings under Section 7A of the Provident Fund and Miscellaneous Provisions Act, 1952 are pending with the Assistant Provident Fund Commissioner.

In the light of aforesaid, we find that the compromise entered into between the parties has been substantively acted upon. The petitioner has received the arrears of salary and the amount of Provident Fund has also been duly deposited. Any shortfall therein or dispute as regards quantum can be considered in the proceedings under Section 7A of the Act of 1952.

In view of aforesaid, we do not find any reason to keep the present contempt petition pending. The same is accordingly disposed of. No costs.

(G.A. SANAP, J.)

(A. S. CHANDURKAR, J.)

APTE