

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

44 CIVIL APPLICATION NO.11387 OF 2021
IN CP/591/2019 IN WP/5012/2017

SYED HAMIDALI SYED VAZEERALI
VERSUS
MUKTESHWAR SUDHAKAR JOSHI AND OTHERS

...
Advocate for Applicant : Mr. G. R. Syed.
Advocate for Respondent No.1 : Mr. A. D. Wange.
...

CORAM : **SHRIKANT D. KULKARNI, J.**

DATE : 14th March, 2022.

P.C.:

. It is an application moved by the petitioner to add respondent Nos.2 and 3 as parties to this proceedings of contempt.

2 Heard Mr. Syed, learned counsel for petitioner and Mr. Wange, learned counsel for respondent/MSRTC. Perused the judgment dated 28th August, 2015 passed by this Court in Writ Petition No.7363 of 2004 and Writ Petition No.7180 of 2011. It is a common judgment whereby both the writ petitions came to be partly allowed. Paragraphs 23 and 24 of the said common judgment throw light about the compliance of directions given by this Court to the second appellate authority regarding stoppage of increment and back-wages.

3 According to Mr. Syed, the directions given by this Court in paragraphs 23 and 24 are not complied by the second appellate

authority and as such, respondent Nos.2 and 3 need to be added as party to this contempt proceedings.

4 On the other hand, Mr. Wange, learned counsel for respondent/ MSRTC strongly opposed to allow this application. He invited my attention to the minutes of the meeting dated 10th December, 2019 and submitted that as per the directions given by this Court, the decision has been taken and as such, the directions have been complied with in a letter and spirit. According to Mr. Wange there is no need to add respondent Nos.2 and 3 being second appellate authority in view of compliance of directions given by this Court.

5 Now the dispute revolves around the arrears of back-wages, in view of the directions given by this Court and the quantum thereof, the second appellate authority would throw light on this compliance part. As such, it is necessary to add second appellate authority as party to this proceedings. Hence, the following order is passed:

ORDER

- I. The application is partly allowed as under:
- II. The petitioner to add respondent No.2 in the capacity as second appellate authority of the MSRTC by making necessary amendment in the contempt petition.

- III. After carrying out that amendment, issue notice to the newly added respondent, returnable on 11th April, 2022.
- IV. The civil application is accordingly disposed of.

[SHRIKANT D. KULKARNI, J.]

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