

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

Contempt Petition (CP) No. 12/2022

IN

Writ Petition (WP) No. 3310/2021 (D)

Dr. Bhimrao Karuji Meshram

..VS..

Shri Pradeep Kumar Vyas and anr.

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

Court's or Judge's Order

Shri P.S. Khubalkar, Advocate for the petitioner

CORAM : A. S. CHANDURKAR AND SMT. M.S. JAWALKAR, J.J.

DATED : 29/03/2022

The grievance of the petitioner in this contempt petition is that the directions issued by this Court on 03.09.2021 in Writ Petition No. 3310/2021 have been breached. As per that order the petitioner was permitted to submit his additional explanation before the Disciplinary Authority before whom the inquiry proceeding was pending. It was observed that if the additional explanation alongwith objections were submitted by the petitioner, the same would be considered by the Disciplinary Authority in accordance with law. It is the case of the petitioner that additional explanation/objections of the petitioner and the order dated 03.09.2021 were served on the respondent no. 1 on 16.09.2021. However without considering those objections, order of punishment dated 03.08.2021 was served upon the petitioner. This according to the petitioner amounts to non-compliance of the directions issued in the writ petition.

On hearing the learned Counsel for the petitioner and after perusing the documents on record, it is found that though the

petitioner submitted his objections pursuant to the liberty granted on 03.09.2021, such objections were received by the respondent no. 1 on 16.09.2021 after the order of punishment was already passed on 03.08.2021. In reply to the petitioner's legal notice, a reply has been sent by the respondent no. 1 on 07.12.2021. In this, it has been stated that final punishment order dated 03.08.2021 was issued before the writ petition filed by the petitioner was decided.

We thus find that prior to passing of the order dated 03.09.2021 in the writ petition, the inquiry proceedings were conducted and penalty was imposed on the petitioner on 03.08.2021. In these facts therefore it cannot be said that there is any wilful disobedience of the directions issued in the writ petition.

The petitioner is free to challenge the order dated 03.08.2021 in accordance with law.

The Contempt Petition is dismissed. No costs.

JUDGE

JUDGE

SANDIP
MAHADEV
GATE

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