

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

CONTEMPT PETITION NO.183 OF 2019

[Tulsidas s/o Kashiram Tondare .vs. Shri Chakradhar s/o Jagoba Donadkar and others]

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

Court's or Judge's orders

 Ms. Preeti D. Rane, Advocate for the petitioner,
 Ms. Meghna Munshi, Advocate for respondent no.1,
 Mr. N.A. Gaikwad, Advocate for respondent no.2,
 Ms. H.N. Jaipurkar, Assistant Govt. Pleader for respondent no.3,
 Mr. A.D. Mongaonkar, Advocate for respondent nos.4 to 10.

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CORAM : SMT. M.S. JAWALKAR, J.

DATE : 05/08/2022.

Present Contempt Petition is filed by the petitioner as there is no compliance of the order passed by the School Tribunal, Nagpur dated 16.02.2017. By the said order, the management was directed to notionally reinstate the appellant with continuity in service since 10.08.2009 till the age of his superannuation i.e. 27.10.2015 along with back wages, pensionery and other consequential benefits after the age of superannuation as per Rules within 30 days from the date of this order.

2. It is argued by the learned counsel for the petitioner that the order is complied with. However, she was insisting that the amount of leave encashment is not granted for the period for which the petitioner was out of employment.

3. It is informed by the learned counsel for the respondents that the order of the School Tribunal is under challenge in Writ Petition No.1929/2017.

4. As such, in my considered opinion, there is compliance of the order of the School Tribunal. So far as the contention of the petitioner that the petitioner is entitled for leave encashment for the period in which he was out of employment, this issue cannot be decided in this Contempt Petition. Whether the leave encashment comes within the definition of consequential benefits is a disputed question. Moreover, whether it can be claimed as of right is also a question to be decided. Thus, there is nothing remained in the Contempt Petition. The contempt is purged against the respondents. If at all the petitioner wants to agitate this point, he is at liberty to agitate the same by taking appropriate proceedings as per provisions of law.

5. Contempt Petition is disposed of accordingly.

[Smt. M.S. Jawalkar, J.]

Gulande