

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

CONTEMPT PETITION NO.27 OF 2022 IN
WRIT PETITION NO. 4562 OF 2013(D)

Anil Waktuji Thaware

Vs.

Smt. Manisha Verma, Principal Secretary, Skill Development and Entrepreneurship,
Mumbai and others

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

Court's or Judge's orders.

Shri M.P. Kariya, Advocate for petitioner.

Shri V.P. Marpakwar, Advocate for respondent nos.1 to 3, 5 and 6.

CORAM : AMIT BORKAR, J.

DATE : SEPTEMBER 26, 2022.

By this contempt petition, the petitioner is seeking following relief:

“i. Direct the Respondents to comply the order passed by this Hon’ble Court in Writ Petition No.4562/2013, decided on 24.01.2019;

ii. To punish the respondents as per the law of contempt of Courts;”

2. The petitioner had earlier filed Contempt Petition No.178/2019, which was disposed of by learned Single Judge of this Court on merit. This Court, in paragraphs 11 and 12, observed as under:

“11. But, the petitioner is insisting that he has not been paid full amount and that there is some

calculation mistake, this Court is of the opinion that such question of calculation mistakes cannot be gone into contempt jurisdiction, because in this petition this Court is concerned with the question as to whether there is compliance of directions given by this Court.

12. The dispute in calculation can be raised by the petitioner by moving an appropriate representation before respondent No.4 i.e. Manager maintenance unit. Such a representation may be moved by the petitioner before respondent No.4 within a period of three weeks from today. The respondent No.4 shall dispose of such representation within four weeks of its receipt. If the petitioner is dissatisfied with the manner in which the representation is disposed of, he may challenge the same or raise a dispute regarding the same in accordance with law.”

3. The petitioner thereafter filed Civil Application (CAN) No.48/2021 seeking recall of order dated 09.03.2020. The said application for recall of the order was dismissed by order dated 12.10.2021. In spite of the said fact, the petitioner has filed present contempt petition seeking relief as stated above.

4. On 19.08.2022, this Court directed the contemnor to file reply in relation to first part of clause (iii) and second part of clause (iv). In accordance with the said order, the contemnor has filed affidavit-in-reply dated 24.08.2022. In

paragraph 3 of the affidavit, in relation to first part of clause (iii) has stated as under:

“ ii. So far as this clause is concerned, the absence of the present petitioner from 08.01.2018 has been treated as duty period by the order 20.03.2019.”

In relation to the second part of clause (iv), the contemnor has stated on oath that the service book of the petitioner has also been updated.

5. It needs to be noted that earlier the petitioner was appearing in person and therefore was given opportunity of hearing was given at length.

6. On perusal of the record and order of pay fixation by the contemnor, it appears that the petitioner has been paid even those monetary emoluments which the petitioner was not entitled to in law.

7. The relief sought in the petition was already sought in Contempt Petition No.178/2019, which was dismissed by this Court. On perusal of the affidavit dated 24.08.2022 and considering the portion quoted above, I am satisfied that the contemnor has complied with the order dated 24.01.2019. There is no merit in the petition. The petition is, therefore, dismissed. No order as to costs.

JUDGE

Wagh