

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

Contempt Petition (CP) No. 333/2019

IN

Writ Petition (WP) Nos. 7023/2018 AND 6438/2018 (D)

Shankar Vishnuji Vaidya and ors.

..VS..

Shri Yashwant Solanke

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

Court's or Judge's Order

Shri S.P. Bhandarkar, Advocate for the petitioners
Miss. Nivedita P. Mehta, AGP for the respondent/State

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

DATED : 23/03/2022

Heard.

The grievance of the petitioners herein is the non-compliance of the directions issued in Writ Petition Nos. 7023/2018 and 6438/2018 that were decided on 29.07.2019. In paragraph 5 of that order this Court had directed as under:-

“5. Writ Petitions are partly allowed. The petitioners are permitted to make the applications in terms of the communication dated 28.02.2019, the decisions dated 1.07.2019 and 17.7.2019 (Annexures X and Y) latest by 5th August 2019 and on receipt of their applications, respondents no. 1 and 2 shall take appropriate decision regarding reinstatement of eligible petitioners in service, within a period of four weeks thereafter.”

It is the case of the petitioners that by ignoring and avoiding to implement the aforesaid directions the respondent proceeded to consider the applications of the petitioners and reject them by relying upon the Government Resolution dated 14.07.2014. This

according to the learned Counsel has resulted in committing contempt of this Court by not following the directions as issued.

In the reply filed by the respondent the manner in which steps have been taken to comply with the aforesaid directions have been indicated. The order passed by the Commandant General, Home Guard is also placed on record indicating the manner in which eligibility of the petitioners has been examined.

After hearing the learned Counsel for the parties, we do not find that there is any wilful or deliberate violation or breach of the directions as issued by this Court on 29.07.2019. The decision as was directed to be taken has been taken within the prescribed time. It may be that the petitioners would be in a position to demonstrate that their eligibility has been wrongly decided resulting in passing of an unfavourable order. This would not result in any wilful breach or non-compliance of the directions as issued. We are therefore not inclined to entertain the Contempt Petition. The petitioners are at liberty to challenge the order holding them ineligible if they are so aggrieved by invoking appropriate jurisdiction. The Contempt Petition is therefore dismissed.

JUDGE

JUDGE

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