

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

CONTEMPT PETITION NO. 357 OF 2019
IN
WRIT PETITION NO. 2424 OF 2019

Pramod Ganpatrao Pohare -- Petitioner
Vs.
Managing Director, Mumbai Metro Rail -- Respondents
Corporation and another

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

Court's or Judge's orders

Mr. Bhushan Dafle, Advocate for Petitioner
Mr. S.R. Charpe, Advocate for Respondent No.1
Mr. V.H. Kedar, Advocate for Respondent No.2

CORAM : MANISH PITALE, J.

DATE : 19th APRIL, 2022

By this contempt petition, the petitioner claims that the respondents / alleged contemnors have violated directions of the Labour Court, as confirmed upto this Court. It is contended that specific directions given by this Court in the order dated 02/07/2019 in Writ Petition No.2424/2019, have not been complied with.

2. A perusal of the record shows that the Labour Court by its judgment and order held in favour of the petitioner and directed his reinstatement with payment of back-wages. The said order is confirmed upto this Court by dismissal of the writ petition. In fact, while dismissing the writ petition, this Court gave specific directions to the respondents to deposit amounts concerning back-wages before this Court and the Labour Court. The documents on record show that the respondents indeed deposited the said amounts, which were also withdrawn by the petitioner.

3. At this stage, the learned counsel appearing for the petitioner submits that the direction of reinstatement was not complied with. A statement was made before this Court on 20/01/2022, on behalf of the respondents that the petitioner was in fact reinstated as far back on 15/03/2011, after which he was paid regular salary and he was even transferred from one place to other, in the context of which he had initiated certain litigation. This Court gave directions to the respondents to place on record documents with regard to said contention. Such documents are placed on record. This Court has perused the documents filed on record, which support the assertion made on behalf of the respondents that the petitioner was indeed reinstated and thereafter paid regular salary. He was transferred from one

place to other in the establishment of the respondent and with regard to the same also necessary payments were made. It appears that thereafter there has been further litigation between the parties, but, that necessarily concerns a fresh cause of action with which the present writ petition has no concern.

4. The learned counsel for the petitioner could not convince this Court that action needs to be taken against the respondents for wilful violation of the directions of this Court and those of the Courts below. In fact, this Court has found substantial compliance on the part of the respondents.

5. In view of above, it is found that this contempt petition is without any merit and, therefore, it is dismissed.

JUDGE