

JPP

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

CONTEMPT PETITION NO. 115 OF 2014

Edward Swalin D'Cunha

... Petitioner

V/s.

B.K. Mandal and Ors.

... Respondents

Mr. Pradeep Havnur with Ms. Prajakta Jagtap for the Petitioner
Mr. Filji Federick with Mr. Archit Chaturvedi with Ms. Alisha
Mohite i/b. FF and Associates for Respondent Nos. 3 and 6

***CORAM : NITIN JAMDAR &
SANDEEP V. MARNE, JJ.***

DATE : 02 AUGUST 2023

P.C. :-

Heard the learned Counsel for the parties.

2 The Petitioner is seeking action against the Respondents under the Contempt of Courts Act and under Article 215 of the Constitution of India for not complying with the order passed by the Division Bench of this Court in Writ Petition No. 716 of 2008. The Division Bench by the judgment and order dated 18 March 2010 had set aside the order passed by the Commissioner for the persons

with disability and directed the Respondents – Shipping Corporation of India to continue the services of the Petitioner with all consequential benefits including arrears of salary, annual increments, promotions, etc. The Respondent – Shipping Corporation of India was directed to provide to the Petitioner an appropriate and suitable post and in the alternative, keeping a supernumerary post until a suitable post is made available.

3 Reply affidavit is filed. Having faced with the position to proceed further on the merits of the matter, serious questions which will require adjudication have arisen and for that purpose the invocation of contempt jurisdiction may not be suitable, the learned Counsel for the Petitioner states that the Petitioner will file a Writ Petition seeking directions against the Respondent – Shipping Corporation.

4. In the light of this position, we dispose of the Contempt Petition granting liberty to the Petitioner to file a Writ Petition. All the contentions of the parties are kept open.

5. Contempt Petition is accordingly disposed of.

SANDEEP V. MARNE, J.

NITIN JAMDAR, J.

JYOTI
PRAKASH
PAWAR

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