

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

**CONTEMPT PETITION NO. 379 OF 2023
IN
WRIT PETITION NO. 1028 OF 2019**

Mahanagarpalika Kamgar Karmachari
Sanghatana and Anr.

... Petitioners

V/s.

Dr. Deepak Sawant, Transport Manager,
Kalyan Dombivali Municipal Transport & Ors. ... Respondents

.....

Mr.Vaibhav Jagdale for the Petitioners.

Mr. R.V. Dighe i/b. Mr. A.S. Rao for Respondent Nos. 1 and 2.

Mr. N.K. Rajpurohit, AGP for Respondent No. 3.

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

DATE : 11 AUGUST 2023

P.C. :-

The Petitioners have alleged that the Respondents have committed contempt of the order dated 9 August 2021 passed in Writ Petition No. 1028 of 2019. In this order, affidavit in reply filed on behalf of Respondent Nos. 1 and 2 was referred to. The statement on behalf of Respondent Nos. 1 and 2-Transport Undertaking and Municipal Corporation was recorded that so far as the employees who have joined the services prior to 1 November 2005 are

concerned, as of that day the present petition filed by the Petitioner is premature. Thereafter, in paragraph 4 of the order dated 9 August 2021, the following statement was recorded :

“4. Shri Rao, learned Counsel appearing for respondent No.1 and 2 had further clarified that benefit of the circular dated 8/1/2013 would be given to all the employees in transport undertaking of Kalyan Dombivali Municipal Corporation, who were in service on the date of issuance of circular dated 8th January, 2013....”

2. We do not find any communication issued by the Petitioners-Union calling upon Respondent No.1-Transport Undertaking annexing the list of employees which would be covered by the Circular and then calling upon Respondent No.1-Transport Undertaking to honour its commitment which is recorded in the order dated 9 August 2021. The exercise as to who is eligible under this Circular cannot be carried out in contempt jurisdiction, more particularly, when the list is not supplied by the Petitioners-Union.

3. Leaving it open to the Petitioners-Union, to give list of all employees/ members of the Petitioner-Union who would be benefited by the Circular to Respondent No.1- Transport Undertaking, we dispose of the Contempt Petition.

4. We make it clear that after the list is so submitted, Respondent No.1- Transport Undertaking will honour its commitment as recorded in paragraph 4 of the order dated 9 August 2021 within a reasonable period to avoid any further action for contempt.

SANDEEP V. MARNE, J.

NITIN JAMDAR, J.