



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

CONTEMPT PETITION NO.74 OF 2016

Gunwant S/o Sakharam Gaidhane, Khat Road, Bhandara

-VS-

Shri Dilip S/o Balkrushna Gawde, The Chief Executive Officer, Zilla Parishad, Gondia and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and the Registrar's orders.

Court's or Judge's Orders.

Ms R. D. Raskar, Advocate for Petitioner.

Shri A. Y. Kapgare, Advocate for respondent Nos.1 to 4.

CORAM : ANIL L. PANSARE, J.

DATE : December 02, 2024

Civil Application (CAN) No.40/2023

1. Perused.
2. For the reasons set out in the application, permission granted to delete the names of applicant Nos.1 and 2 in the instant application who are respondent Nos. 1 and 2 in Contempt Petition No.74/2016 from the array of respondents at the risk of the applicants. Necessary amendment be carried out forthwith and copy of amended petition be served on the other side.
3. Civil Application is allowed and disposed of.

Contempt Petition No.74/2016

4. The learned counsel for the petitioner submits that the respondent-Chief Executive Officer, Zilla Parishad Gondia has committed contempt of order dated 17/06/2015 passed by this Court in Writ Petition No.4165/1999. This Court by the said order quashed and set aside the show cause notice dated 21/01/1999, order dated 14/10/1999 and the order dated 19/06/1999 issued by respondent No.2-Chief Executive Officer, Zilla Parishad.

5. The petitioner's counsel submits that this order has been challenged before the Hon'ble Supreme Court and certain directions were given as regards payment of back-wages which the respondent-Chief Executive Officer has not complied with. In that sense, the petitioner is alleging contempt of the Supreme Court order.

6. The petitioner's counsel seeks time to go through the order. At her request, kept back at 2.30 pm.

(Anil L. Pansare, J.)

Later on :

7. I have, with the assistance of the learned counsels, gone through the order dated 23-11-2021 passed by the Hon'ble Supreme Court in Civil Appeal No. 6998 of 2021. The Zilla Parishad, Gondia had challenged the order passed by this Court. The Supreme Court noted that the first respondent therein (the petitioner herein) approached High Court and filed application seeking clarification of order. This Court clarified that the petitioner is entitled for entire back wages. The Hon'ble Supreme Court allowed the appeal partly and modified the order passed by this Court.

8. Learned counsel for the petitioner submits that these are subsequent developments and that the petitioner is alleging contempt of order dated 17-6-2015.

9. In my view and considering the subsequent developments wherein order dated 17-6-2015 stood modified by the Hon'ble Supreme Court, the petitioner could not have maintained contempt without bringing on record the subsequent developments.

10. Since the order dated 17-6-2015 passed by this Court has been modified by the Hon'ble Supreme Court, the contempt of order dated

17-6-2015 is not maintainable. Contempt petition is accordingly dismissed.

(Anil L. Pansare, J.)