



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

CONTEMPT PETITION NO.229/2022 IN WRIT PETITION NO. 3851/2019 (D)
Mohd. Kafeel Anwar Ab. Rafique .vs. Mohd. Salauddin Mohd. Sadroddin & Ors.

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

Court's or Judge's orders

Mr. P. A. Kadu, Advocate for petitioner.
Mr. R. L. Khapre, Senior Advocate assisted by Mr. P. A. Deshpande,
Advocate for respondent Nos. 1 and 2.
Mr. S. B. Bissa, A.G.P. for respondent No.3.

CORAM : ANIL L. PANSARE, J.

DATE : 15.07.2024

Heard.

2. In continuation to order dated 25.06.2024, learned Senior Counsel makes a statement that by the end of November, 2024, the entire payment of Rs.6,32,381/- will be paid to the petitioner. The learned Senior Counsel further submits that out of the said amount, Rs.1,00,000/- will be paid within two weeks from today. The remaining amount will be paid in installments. The statement is accepted.

4. In view of the above statement, when the Court was about to dispose of the petition, the counsel for the petitioner submits that this petition will have to be kept in abeyance till November, 2024.

5. This submission speaks volumes as to why contempt jurisdiction has been invoked. The petitioner is trying to use contempt jurisdiction for execution of order and not for punishment. As such, this is not the first case where this Court has come across the misuse of contempt jurisdiction, however,

the Court has entertained such petitions to let the petitioner get the relief as expeditiously as possible.

6. In the circumstances, when the Management has expressed its willingness to comply order passed by the School Tribunal, keeping contempt pending is something that should be deprecated.

7. At this stage, counsel for the petitioner has invited my attention to Clause (5) of the operative part of the judgment dated 16.04.2019 passed by the School Tribunal, Amravati, which reads thus:

“5) The appellant be deemed to be continuous in service from 04.07.2017 for all service benefits excluding the benefit of earned leave. The respondents to take necessary entry in the service book.”

8. Learned Counsel for the petitioner submits that the respondents have not taken necessary entry in the service book.

9. When inquired as to whether pleading to that effect is made in the contempt petition, the counsel for the petitioner failed to point out from the memo of petition that such a grievance has been made.

10. In fact, the petition proceeds only on the ground of non payment of salary, which the respondents have shown willingness to pay by November, 2024.

11. In that view of the matter, nothing survives in the petition. The contempt petition is accordingly disposed of.

(Anil L. Pansare, J.)