



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**922 CONT. PETITION NO. 226 OF 2014
IN WP/7582/2012**

DATTATRAYA LAXMAN RAKH

VERSUS

PRASHANT S.PATHARE

...

Mr. Mundhe Subhash V., Advocate for the Petitioner

Mr. Surekha M. Mahajan, Advocate for Respondent No.2

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**CORAM : NITIN B. SURYAWANSHI AND
SANDIPKUMAR C. MORE, JJ.**

DATED : 29/07/2025.

P. C. :

1. The petitioner is claiming contempt of the order passed by this court in Writ Petition No. 7582 of 2012 dated 02/12/2023. The respondents – contemnors have filed affidavit in reply stating that the petitioner is reinstated in the year 1996 and all his terminal benefits, are awarded to him. A chart is placed on record alongwith the affidavit in reply at page 84 wherein the date of initial employment of the petitioner is shown as 15/11/1984 and as per office record he is shown to have joined on 31/07/1996. When confronted with this, learned advocate for the contemnors submits that the petitioner was working on daily wages and he did not attend the duty from the period between 1987 to 1996. According

to her, even the registers of the respondents do not contain name of the petitioner as he did not work during that period and or resumed the duty after the award passed by the Labour Court.

2. Learned advocate for the petitioner contends that the Labour Court by order dated 17/07/1993, had directed the respondents to give permanency benefits to the petitioner, which were never given and in the year 1996 the petitioner is shown to have joined on duty. He, therefore, makes a grievance that the arrears of salary of the petitioner from the year 1984 till 1996, are not paid to the petitioner.

3. We are not convinced with the submissions of the contemnor, however, as there are disputed questions of fact involved in the present matter, which cannot be gone into in contempt jurisdiction, we dispose of the contempt petition, granting liberty to the petitioner to approach the Industrial Court for execution of the award passed by the Labour Court and for recovery of arrears of salary. If the execution petition is filed by the petitioner, respondents shall cooperate for the expeditious disposal of the same. The Industrial Court shall dispose of the same within six months, from its filling.

(SANDIPKUMAR C. MORE, J.)

(NITIN B. SURYAWANSHI, J.)