

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 203 OF 2024
IN
WRIT PETITION NO.7989 OF 2016

Dr.Munish Pandey

...Petitioner

Versus

Dr.Sanjay Jagtap & Ors.

...Respondents

Mr. Sadasivan Chittur Ramanathan, advocate for the Petitioner.
Mr. N.C. Walimbe, Addl. G.P. a/w. Mr.S.P. Kamble, AGP for
Respondent–State.

**CORAM: SUMAN SHYAM &
MANJUSHA DESHPANDE, JJ.**

DATED: 8TH SEPTEMBER 2025.

PC:-

1. Heard Mr. Sadasivan, the learned counsel appearing for the petitioner and Mr.Walimbe, the learned Addl. GP for respondent no.5. Alleging willful disobedience of the order dated 24th June, 2019 (Coram : Pradeep Nandrajog, C.J. and N.M. Jamdar, J.), the instant Contempt Petition has been filed. The operative part of the order dated 24th June, 2019 is reproduced herein-below for ready reference:

“4. Thus, we dispose of the Petition directing the first and the second Respondent to firstly consider entitlement of the Petitioner on acquiring the Ph.D degree in December 2003, secondly to consider Petitioner's entitlement under the Career

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Advancement Scheme as of the year 2013 when Petitioner rendered the qualified service.

5. Necessary exercise shall be conducted by the first and second Respondent within four months from today. Whether the Petitioner has acquired a Ph.D degree which is recognised shall be considered. Such financial benefits which accrue to the Petitioner shall be quantified and paid within further two months thereafter if he is found entitled thereto. If found to be payable and not paid within two months, the same shall be paid with simple interest @ 8 % pa. reckoned five months here-in-after till payment is made.”

2. According to the Petitioner, the order of this Court has not been fully complied with till date. The learned counsel for the Petitioner submits that in total compliance of the Court’s order, his client ought to have been promoted to the post of Professor which has not been done despite the eligibility and entitlement of the Petitioner. It is also the contention of Mr.Sadasivan that the interest part, as directed by this Court, has not been paid to the Petitioner.

3. Responding to the above, Mr.Walimbe, the learned Addl. GP appearing for Respondent No.5 has invited our attention to the reply affidavit filed on behalf of Respondent No.5 to submit that after considering the claim of the Petitioner in terms of the order dated 24th June, 2019, an amount of Rs.16,54,338/- has already been paid to him.

4. In so far as the interest component is concerned, Mr.Walimbe, the learned Addl. GP for Respondent No.5 has submitted that the State has offered sufficient justification for not paying the same. On such count, it is the submission of Mr.Walimbe, the learned Addl. GP that, there has been total compliance of the Court's order.

5. After going through the materials available on record, we find that the amount due and payable to the Petitioner under the Court's order has already been released in his favour. If the Petitioner is dissatisfied with the amount, that would give rise to a fresh cause of action. However, the same cannot be agitated in this Contempt Petition.

6. In so far as the interest component is concerned, as noted above, Respondent No.5 has offered proper explanation for the delay in making payment, with a prayer to reconsider the same. In the affidavit filed by Respondent No.5, it has been asserted that the reason for delay in making payment is not attributable to the State. A prayer has also been made to re-consider the direction for payment of interest to the Petitioner. The Petitioner has not filed any rejoinder affidavit. Therefore, the stand of the State has remained un-controverted. Under such circumstances, non payment of interest cannot be treated as an act of willful disobedience of the Court's order.

7. In so far as the prayer of the Petitioner to promote him to the post

of Professor is concerned, we find that there are no specific direction from this Court to that effect. If the Petitioner wants to pursue such relief before the Court, it would be open to him to file appropriate Writ Petition with such a prayer, which can be considered on its own merit. But a direction to such effect, would not be permissible in this Contempt Petition.

8. With the above observations, this Contempt Petition, stands closed.

(MANJUSHA DESHPANDE, J.)

(SUMAN SHYAM, J.)