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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.654 OF 2025
IN
WRIT PETITION NO.5381 OF 2006

Prakash Ganpat Mode

... Petitioner

V/s.

President/Secretary,

... Respondent

ATUL
GANESH
KULKARNI

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Mr. Prakash G. Mode, petitioner in-person.

Ms. Anupama B. Shah for respondent No.2.

Mr. S.H. Kankal, AGP for respondent No.3-State.

CORAM : AMIT BORKAR, J.

DATED : NOVEMBER 03, 2025

P.C.:

1. The petitioner shall delete names of respondent Nos.2 to 6. Amendment to be carried out forthwith.
2. The petitioner, who had earlier succeeded before this Court by judgment dated 12 March 2025, has now filed this contempt petition. The grievance of the petitioner is that the respondents have not complied with clauses (v), (vi), and (vii) of the said judgment. The allegation, in substance, is that despite clear directions of this Court, the authorities have failed to extend full monetary and service-related benefits which had been ordered.
3. The learned Advocate appearing for the Management submits that the State Government, by its communication dated 9 June 2025, has stated that the petitioner is not entitled to

increments for the years 1996 and 1997. According to the Management, this stand of the Government has prevented it from releasing the said benefits. The Management, however, does not dispute that the petitioner was appointed after following due process of selection in the year 1995.

4. On examining the judgment dated 12 March 2025, it is clear that this Court had quashed and set aside the order dated 27 January 2005 by which the petitioner was terminated from service. The Court had further held that the petitioner shall be treated as in continuous service as on 27 January 2005 with all consequential benefits. Once the petitioner's termination stood annulled, the legal effect is that his service was never interrupted in the eyes of law. Therefore, he is entitled to all service benefits which would have accrued to him during that period.

5. In this background, the subsequent communication of the District Vocational Education and Training Officer, stating that the petitioner is not entitled to increments for the years 1996 and 1997, runs contrary to the spirit and letter of the judgment of this Court. The record shows that the petitioner's appointment was duly approved, made against a sanctioned post, and after following proper selection procedure. Hence, denying increments for those years on any administrative ground is without legal basis. The State Government's communication dated 9 June 2025 does not override the binding judicial directions of this Court.

6. Therefore, to ensure full compliance of the judgment dated 12 March 2025, the Management is directed to treat the petitioner

as being in continuous service as on 27 January 2005. The Management shall accordingly prepare a revised proposal including the petitioner's increments for the years 1996 and 1997. The proposal shall be prepared within one week from today. The petitioner shall sign the proposal within one week thereafter. Immediately after obtaining the petitioner's signature, the proposal shall be forwarded to the Joint Director, Vocational Education and Training, Mumbai (Respondent No.3), within one week thereafter. The Joint Director shall examine the proposal and grant sanction within two weeks of its receipt.

7. The contempt petition shall be listed for reporting compliance on 18 December 2025.

8. It is made clear that any failure to adhere to these directions within the time stipulated shall be viewed seriously by this Court and will invite appropriate action under the Contempt of Courts Act.

(AMIT BORKAR, J.)