



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

CONTEMPT PETITION NO.108/2024
IN
WRIT PETITION NO.6599/2018 (D)

Santosh Jitendra Kshirsagar

...Versus...

Shri Ajay Uttam Shinde, Superintending Engineer, Maharashtra State Electricity
Distribution Company Limited, Operations and Maintenance, Washim Circle,
Washim and others

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

Court's or Judge's orders

Mr. A.B. Patil, Advocate for petitioner
Mr. S.V. Purohit, Advocate for respondents

CORAM : AVINASH G. GHAROTE AND
ABHAY J. MANTRI, JJ.

DATE : 04/02/2025

1. The judgment, dated 03/10/2023 is complained of not being compiled with as the respondents are continuing with the stoppage of one increment every year, though the judgment indicates that the stoppage was only for one year. Para 26 of the judgment, indicates the consideration of this position, inasmuch as it specifically indicates that the punishment of barring the petitioner from getting two annual increments in a cumulative form was intended to be reduced, to barring the petitioner from getting annual increment for one year only. The directions, as contained in para 27, therefore, have to be read in that context, which would mean that the punishment insofar as the annual increment is concerned, stood modified to being reduced to stoppage of one increment for one year only.

2. The contention that the use of expression “modifying the punishment”, would also mean that the punishment of suspension period to be treated as punishment period was also done, away with does not stand to reason as the entire judgment, does not dwell upon it or indicate it to be so. The reliance upon *Kunhayammed and others Vs. State of Kerala and another (2000) 6 SCC 359* insofar it relates to the doctrine of merger, therefore, would not be attracted as the Court only dealt with the issue of punishment of stoppage of increment, which is reflected in paras 26 and 27 and not otherwise.

3. Mr. Purohit, learned counsel for the respondents submits that the amount due and payable, to the petitioner in view of the above, would be paid within a period of four weeks from today.

4. Accepting the statement made by Mr. Purohit, learned Counsel for the respondents as a statement to the Court, the notice is discharged.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)