



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Contempt Petition No. 47 of 2022

in

Writ Petition No. 5643 of 2019 to 5665 of 2019 (D)

[Sanjay Rameshwar Sadanshiv and ors. **..vs..** Smt. Kavita Dwivedi,
Commissioner, Municipal Corporation, Akola]

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

Court's or Judge's orders

Mr. S. T. Harkare, Advocate for the petitioner
Dr. Anjan De, Advocate for the respondent

CORAM : ANIL L. PANSARE J.

DATED : 20-03-2025

Heard.

2. The contempt is alleged of the order dated 14-8-2019 passed by this Court in Writ Petition No. 5643/2019. The petition was disposed of with following directions.

“i] The Municipal Council shall initiate and complete the process of awarding contract afresh within three months.

ii] The Municipal Council shall recognize the seniority of the respondent/employee from the date of his/her initial appointment as found by the Labour Court while delivering the impugned order.

iii] Giving due weightage to the seniority of the respondent/ employee accordingly, he/she will be engaged by the contractor on daily wages on the same terms and conditions on which the other employees are engaged by the contractor. The Municipal Council shall ensure that such condition is incorporated in the agreement with the contractor to whom the contract would be given. Such arrangement shall continue until the work is got done by the Municipal Council through the contractor. In case, the Municipal Council discontinues the contractor and engages employees directly, then the respondent/employee shall be engaged as per his/her seniority and any other new employee shall not be

engaged giving a go-bye to the claim of the respondent/employee, as daily wager.

iv] The order passed by the Industrial Court in each of the matter is modified accordingly.

In the circumstances, the parties to bear their own costs.”

3. As could be seen, the Municipal Council was directed to recognize the seniority of the employees and to give due weightage to them while engaging their services on daily wages through contractor.

4. Pursuant to the aforesaid order, it appears that the respondent had issued letter to contractor, namely, Mr. Abhijit Singh Thakur calling upon him to engage services of the petitioners by maintaining seniority. In response to the said letter, contractor Mr. Thakur has written letter dated 5-2-2020 to the Municipal Corporation, Akola stating therein that only 4 out of 52 employees approached him for enquiry as regards daily wages to be paid to them. After taking information from the contractor, none of the employees approached him for the work. It appears from the letter that the petitioners informed the contractor that they are aged 50 to 55 years and cannot perform the work of collecting garbage and waste and accordingly refused to work. Thus, it appears that the petitioners refused to work with the contractor.

5. Learned counsel for the petitioners submits that they were not informed of the letter given by the Corporation to the contractor. This is something which requires independent enquiry and cannot be subject matter of contempt jurisdiction. What appears from the documents placed on record is that the Corporation made an attempt to comply the order. May be that, the compliance is not to the expectation of the petitioners, that itself cannot be a ground to invoke

contempt jurisdiction. There is, thus, no element of willful disobedience of the order passed by this Court. That being so, the contempt petition is without any merit and stands dismissed accordingly.

(Anil L. Pansare, J.)

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