



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

Writ Petition No.636 of 2019

Prabhu Vishwakarma Gramin Bahu Uddeshiya Shikshan Sanstha

vs.

Shri Tulsiram s/o Rushi Sahare 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. R.N. Deshpande, Advocate for the Petitioner.

Mr. S.V. Sohoni, Advocate for Respondent No.1.

Ms. P.C. Bawankule, A.G.P. for Respondent Nos.2 to 5.

CORAM : **ANIL L. PANSARE, J.**

DATE : **9th APRIL, 2025.**

01. On 11th March, 2025, the following order was passed.

"Heard for some time.

2. By present civil application, respondent no. 1 is seeking to dismiss the petition on the ground that the petitioner has made misleading statements before the Court as also before respondent no. 5 – Social Welfare Officer.

3. It appears that the services of respondent no. 1, who was working as Special Teacher in the school run by petitioner was orally terminated on 20-2-2010. Respondent no. 1 approached appellate authority i.e. Regional Deputy Commissioner, Social Welfare Department, Nagpur, who has, vide order dated 9-12-2016, quashed and set aside the oral termination and directed petitioner to reinstate respondent no. 1.

4. It appears that the petitioner did not comply with the aforesaid directions and thereafter respondent no. 1 approached this Court by invoking contempt proceedings. Initially notices were issued to the petitioner, who did not appear and, therefore, bailable warrant came to be issued. Despite issuance of bailable warrant, the petitioner did not appear and, therefore, on 7-9-2018, non bailable warrant was issued. Thereafter, the

petitioner appeared in the contempt petition sometimes, on or about 9-5-2019.

5. In the meantime, on 18-9-2018, the petitioner filed present writ petition challenging order passed by the appellate authority. On 4-7-2019, joint pursis was filed by the petitioner and respondent no. 1 in writ petition, wherein the parties agreed that respondent no. 1 will be reinstated in service with effect from 8-7-2019 with continuity in service. It was further agreed that the petitioner will immediately send proposal to the Social Welfare Department for grant of approval to the reinstatement. Accordingly, this Court vide order dated 4-7-2019, directed the petitioner – society to take immediate steps for sending proposal for approval. It appears that thereafter petitioner – society permitted respondent no. 1 to join the duties as Special Teacher.

6. Learned counsel for the applicant/respondent no. 1 submits that on 16-7-2019, an incomplete proposal dated 12-7-2019 was forwarded to respondent no. 5. On 31-7-2019, the petitioner – society sworn in affidavit stating therein that respondent no. 1 is not possessing requisite qualification and, therefore, approval should not be given. The petitioner in the affidavit also stated that it intends to file writ petition in connection with the aforesaid fact.

7. Thus, it appears that despite present writ petition having been pending before this Court, the aforesaid affidavit sworn in by the petitioner is submitted before respondent no. 5. What is surprising is respondent no. 5 has not even taken cognizance of said statement in the sense, respondent no. 5 is party to the present petition and, therefore, is well aware of the pendency of the same. That being so, respondent no. 5 should have sought explanation from the petitioner as to why is misleading statement made in the affidavit.

8. Learned Assistant Government Pleader seeks time to take instructions in this regard. Time granted. Let there be detail reply on the steps taken by respondent no. 5 against the misleading statement made in the aforesaid affidavit.

9. As such, none is appearing for the petitioner and, therefore, the application could be decided as not contested. However, Mr. R. N. Deshpande, learned counsel who is appearing in connected matter i.e. Contempt Petition No.7/2018 for the respondent (who is petitioner in writ petition), initially said that he has no instructions to appear for the petitioner in writ petition, now said that he has been instructions to appear in writ petition and to seek time as well. Time granted.

10. The petitioner, however, shall remain present before the Court on next date. The petitioner is put to notice that both matters viz. writ petition and contempt petition will be taken up for final hearing on the next date.

11. The petitioner shall justify his conduct, which indicates adoption of delaying tactics and shall also justify filing affidavit dated 31-7-2019 before respondent no. 5 and shall also show cause as to why petition should be not dismissed for the reasons noted in the order today.

12. List in the week commencing from 7-4-2025.”

02. The Secretary of the petitioner-society is present. The Counsel for the Secretary submits that proposal in terms of the settlement arrived at by and between the parties on 04/07/2019 will be sent to respondent No.5. In other words, the Secretary states that necessary steps will be taken in terms of the joint pursis filed by the parties in this petition.

03. As regards contemptuous act, the Counsel for the petitioner submits that affidavit has been filed seeking unconditional apology. He further tendered apology across the bar on behalf of the Secretary. It is accepted.

04. The Counsel for respondent No.5 submits that respondent No.1 joined service on or about 08/07/2019. He further submits that respondent No.1 has retired on superannuation on 23/10/2023, but has been paid nothing.

05. The petitioner's counsel was accordingly called upon to take instructions from the petitioner and submit a proposal in writing. The Secretary of petitioner has accordingly tendered across the bar pursis stating therein that the petitioner is ready to deposit Rs.50,000/- today and Rs.50,000/- by the end of April, 2025. The balance payment will be made within six months from April, 2025, so as to comply the directions and also to ascertain exact claim of respondent No.1 in respect of the unpaid wages.

06. In this regard, respondent No.5 shall, within one month from today, inform the petitioner the unpaid wages(s) payable to respondent No.1. Respondent No.5 shall take necessary assistance of the parties, if so desired. The petitioner shall respond immediately to the queries made by respondent No.5 and shall also supply documents, if sought. The amount of unpaid wages shall, thereafter, be paid by the petitioner to respondent No.1 by October, 2025, failing which the petitioner may face aggravated contempt. The petitioner shall pay Rs.50,000/- by 16/04/2025 and Rs.50,000/- by end of April, 2025.

07. In view of above, nothing survives in the writ petition as also in contempt petition. Both are disposed of accordingly. There shall be no order as to costs.

(Anil L. Pansare, J.)

**sandesh*