

**IN THE SUPREME COURT OF INDIA  
INHERENT JURISDICTION**

**CONTEMPT PETITION (CIVIL) NO. 539/2020**

**IN**

**CIVIL APPEAL NO. 5922/2019**

**MUKESH VASHISTHA**

**APPELLANT(s)**

**VERSUS**

**R. RAMESH KUMAR & ORS.**

**RESPONDENT(s)**

**O R D E R**

An order was passed on 29.07.2019 which records that only a limited notice was issued vide order dated 17.08.2018 for the appellant to be paid salary for the period he actually worked as a Teacher. The management/respondent No.3 did not put in appearance.

We thus, directed respondent Nos.1 and 2 to pay the amount to the petitioner and recover it from the respondent management.

In pursuance to our order it appears that the State Government asked the management for records as to the period the petitioner had worked with them. The affidavit of compliance filed by the

State suggests that getting the records took some time which caused some delay in disbursement but they paid a sum of Rs.4,02,749/- to the petitioner which is to be recovered from the management.

The moot point which is arising before us is that the petitioner claims that he worked much longer than what the management has communicated i.e. from 01.07.2000 to 31.05.2004 as per records sent by the management. This, in turn, is predicated on the interim order passed in the Writ Petition on 23.05.2000 recording that if the petitioner was working on the post of Assistant Teacher he should be permitted to continue to so work. The petition was ultimately dismissed on 08.08.2014. It is thus, the say of the petitioner that he continued to work from 2000 to 2014 and not to 2004 as was sought to be stated in the present proceedings.

In the contempt petition, the petitioner has arrayed only the Government officials as respondents and thereafter the Cause Title of the Writ Petition has been mentioned. The Management has not been arrayed as a contemnor.

In the conspectus of the facts placed before us, it can hardly be said that the present one is a case of any willful disobedience of the orders of

the Court. In fact, there is no violation of the directions as in order to benefit the petitioner, we had asked the State Government to pay the amount and recover from the Management. The *lis* which survives is that the petitioner claims, on one hand to have worked from 2008 till 2014 till his writ petition was dismissed, while according to the management he worked only till the year 2004.

We are thus, of the view that the petitioner has any grievance against the management of not being paid for the period he had worked beyond 2004 till 2014, as claimed by him, he should be given liberty to take appropriate process in accordance with law against the Management.

Liberty granted.

The State Government can recover the amount paid to the petitioner from the Management as earlier directed by us.

The Contempt Petition accordingly stands closed.

.....J.  
[SANJAY KISHAN KAUL]

.....J.  
[M.M. SUNDRESH]

NEW DELHI,  
FEBRUARY 14, 2022.

ITEM NO.31 Court 6 (Video Conferencing)

SECTION III-A

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

CONMT.PET.(C) No. 539/2020 in C.A. No. 5922/2019

MUKESH VASHISTHA

Petitioner(s)

VERSUS

R. RAMESH KUMAR &amp; ORS.

Respondent(s)

Date : 14-02-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL  
HON'BLE MR. JUSTICE M.M. SUNDRESHFor Petitioner(s) Mr. Vishwajit Singh, Sr. Adv.  
Ms. Veera Kaul Singh, AOR  
Mr. Pankaj Singh, Adv.  
Ms. Ridhima Singh, Adv.  
Mr. Vignesh Singh, Adv.

For Respondent(s) Mr. Harish Pandey, AOR

UPON hearing the counsel the Court made the following

## O R D E R

The Contempt Petition is closed in terms of the signed order.

Pending application, if any, stands disposed of.

(ASHA SUNDRIYAL)  
ASTT. REGISTRAR-cum-PS(POONAM VAID)  
COURT MASTER (NSH)

[SIGNED ORDER IS PLACED ON THE FILE]