

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).10889/2010

(From the judgement and order dated 08/02/2010 in SBCP No. 867/2009 & SBCWP No. 4264/2007 of The HIGH COURT OF RAJASTHAN AT JAIPUR)

NAVRATAN HIRAN

Petitioner

VERSUS

P.M. JAIN

Respondent

(With appln(s) for exemption from filing O.T. and prayer for interim relief and office report)

Date: 26/07/2010 This Petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE R.V. RAVEENDRAN
HON'BLE MR. JUSTICE H.L. GOKHALE

For Petitioner(s) Mr. Aruneshwar Gupta, Adv.
Mr. Manish Raghav, Adv.
Mr. Nikhil Singh, Adv.

For Respondent(s) Mr. Huzefa Ahmadi, Adv.
Mr. Dharmendra Kumar Sinha, Adv.

UPON hearing counsel the Court made the following
O R D E R

The petitioner is the Secretary of the Managing Committee of Acharya Sh. Tulsi Amrit Mahavidyalaya. The respondent is the Principal of the institution run by the Mahavidyalaya, whose services were terminated. The respondent approached the Rajasthan Non-Governmental Educational Tribunal in an appeal. The Tribunal passed an order dated 8.5.2007 setting aside the order of dismissal and holding that the respondent would be entitled to continuity in service and will be entitled to receive and recover salary and allowances and all other resultant benefits from the respondent Institute/Society2.

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ITEM NO.58 COURT NO.3 DATED 26/7/2010contd.

with interest thereon. The Writ Petition filed by the Institution was allowed in part by order dated 6.8.2008 setting aside the award of interest. In all other respects, the order of the Tribunal was confirmed. The Special Appeal filed by the Managing Committee was also dismissed. Thereafter, the respondent initiated contempt proceedings against the petitioner herein. When the contempt proceedings came up before the High Court on 8.2.2010, the petitioner sought a month's time to comply with the order of the Court and also made a part payment of Rs.1,50,000/-. The High Court granted two months' time for payment of balance amount and directed the petitioner to be present in person on the next date of hearing for passing further orders.

The said order is challenged by the petitioner on

two grounds. Firstly, the Managing Committee can pay the amount due to the respondent only after grant-in-aid required for payment is released by the Government. Secondly, that contempt proceedings are not maintainable for recovery of money and the appropriate remedy is to file an execution petition. The petitioner also contended that when the Government has not released the funds, the Managing Committee cannot be expected to pay the amount that has been ordered by the Court. Reliance is placed on Section 31 of the Rajasthan Non-Governmental Educational Institution Act, 1989.

We are of the view that the petition is premature. It is open to the petitioner to appear before the High Court and raise all these objections. Instead of doing so, the petitioner has chosen to file this SLP against the order granting time for payment which was sought by the Institution.

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We, therefore, dismiss this petition reserving liberty to the petitioner to raise all contentions before the High Court.

(Ravi P. Verma)
Court Master

(Aruna Seth)
Court Master