

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

CONT. PETITION NO. 108 OF 2014
IN WP/5645/2012

VIVEK HIRAMAN KALE
VERSUS
NANDKUMAR SANTARAM MALSHIKHARE AND OTHERS

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Advocate for Petitioner : Mr. Godbole R.J.

AGP for Respondents: Mr.D.B.Bhange.

Advocate for Respondent No.2 : Mr. Dhage Vivek J.

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CORAM : **S. V. GANGAPURWALA and**
V. L. ACHLIYA, JJ.

DATE : 09th March, 2015.

P.C.:

. Mr.Godbole, learned counsel submits that the Respondents have committed contempt of the order of this Court dated 9th July, 2013. This Court vide said order had directed the Respondent – Management to forward Petitioner's proposal to the Education officer for grant of requisite pay scale as per law, who shall decide the same on its own merits by affording opportunity of hearing to all the parties concerned.

2 The Petitioner is entitled for the pay scale of A.M. as per the qualification possessed by the Petitioner. However, the same is not granted. The order is not followed in its letter and spirit.

3 Mr.Dhage, learned counsel submits that on 14th September, 2013 itself, the proposal was forwarded alongwith the resolution of the Society. The order of the Court stands complied.

4 We have considered the submissions. This Court had only directed the Management to forward the Petitioner's proposal to the Education Officer for grant of requisite pay scale as per law. The Court had not directed the Respondent – Management to forward the proposal with regard to a specific pay scale of the Petitioner. The proposal was forwarded. Whether the pay scale decided by the Education Officer is erroneous or otherwise, cannot be considered in the contempt petition. The Petitioner has a liberty to assail the same if it is adverse to the interest of the Petitioner in an appropriate proceedings.

5 In light of the above, in view of the fact that the proposal is already forwarded on 14th September, 2013 itself, the contempt stands purged. The contempt petition stands disposed of. No costs.

[V. L. ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]

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