

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CONTEMPT PETITION NO.109 OF 2012
IN
CONTEMPT PETITION NO.167 OF 2008

Ravindra s/o Nivrutti Bansode,
Age 35 years, Occu. Nil,
R/o Vikas Nagar, Tq. and Dist. Latur
at present R/o Pune

..PETITIONER

VERSUS

1. Shri Bajirao Ramchandra Jadhav,
The Commissioner for welfare
of person with disabilities
Maharashtra State, Pune-1
2. Shri Manohar s/o Narsing Kawale,
The District Social Welfare Officer,
Zilla Parishad, Latur, Dist. Latur
(Deleted and added as per Hon'ble
Court's order dtd : 16.3.2012)
3. Tukaram s/o Nagorao Bansode,
President/Secretary,
Marathwada Apang Sanghatana,
Sarthak Niwas, Majge Nagar,
Latur, Tq. and Dist. Latur
4. Sayyed Manzoor Muzaffar
Head Master, Pratidnya Nivasi
Boy's Apang Vidyalaya,
At Post Bhatangali,
Tq. and Dist. Latur

..RESPONDENTS

Mr G.V. Mohekar, Advocate for petitioner;
Mr D.R. Korde, Asstt. Govt. Pleader for respondent no.1;
Mr S.S. Manale, Advocate for respondent no.2;
Mr A.V. Patil, Advocate for respondent no.3;
Mr R.R. Suryawanshi, Advocate for respondent no.4

CORAM : N.W. SAMBRE, J.

DATE : 30th July, 2015

ORAL ORDER :

The present contempt petition is by an employee of a special school for handicapped, alleging non-compliance of the orders dated 7th December, 2011 and 16th January, 2012, passed in earlier Contempt Petition No.167 of 2008. By an order dated 7th December, 2011, passed in Contempt Petition No.167 of 2008, this Court, pursuant to the communication dated 5th December, 2011, has taken note of the approval/sanction dated 3rd December, 2011 and has directed the Social Welfare Officer to deposit amount of Rs.14,24,524/-, in the Court within four weeks.

2. The aforesaid order, admittedly, is complied with by the respondent by depositing the amount of Rs.14,24,524/- in this Court.

3. By order dated 16th January, 2012, this Court, having regard to the order dated 3rd December, 2011, whereby the State Government has made provision of above referred Rs.14 Lacs, has refused to modify the order as was sought by the Social Welfare Officer.

4. Based on these two orders, the petitioner to the present contempt petition claims that the respondent herein have not honoured the said orders in its true letter and spirit by making payment of the salary to the petitioner for a period up to 28th June, 2006, for the actual period for which he has worked.

5. Pursuant to the above referred allegation, the Social Welfare Officer, Zilla Parishad, Latur Mr Manohar Kawale, has filed an affidavit and has made categorical statement that out of Rs.14,24,454/-, an amount of Rs.6,41,607/-, Rs.4,57,891/- and Rs.79,427/- was paid to the petitioner. The said Officer has also deposited the amount of difference of Rs.350/- in this Court, by Banker's Cheque dated 25th September, 2012.

6. During the course of hearing of the present petition, the petitioner has come out with a case that pursuant to his appointment and placement, he should have been placed in the pay scale of Rs.5000-8000 (revised pay scale Rs.9300-34800) and not in the pay scale of Rs.4500, based on which the amount was paid to him. According to him, as such, the respondent herein has not paid him entire amount, which appears to be the object and intention of the orders passed by this Court, of which contempt is complained of.

7. As regards the applicability of the pay scale to the petitioner and the calculations *qua* payment to be made to him is not an issue which can be gone into in the contempt jurisdiction, particularly in the background of the fact that the respondent – Social Welfare Officer has come out with a case that the petitioner was already paid the amount, pursuant to the calculations made by him and endorsed by the Commissioner for Persons with Disabilities. The Commissioner has also filed an affidavit justifying the compliance.

8. In view of above, in my opinion, no contempt could be noticed in the present matter and thus, the contempt petition fails and stands dismissed.

(N.W. SAMBRE, J.)

amj