

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CONTEMPT PETITION NO. 276 OF 2014
IN WP/6964/2013

SADASHIV NAGORAO AURADE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Shri Dhakne Vijay A.
GP for Respondents 1 to 4 : Shri Girase A.B.
a/w Shri Kendre S.N. AGP

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CORAM : RAVINDRA V. GHUGE, J.
Dated: December 21, 2015

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PER COURT :-

1. The learned Government Pleader submits that though the affidavit dated 23.10.2015 filed by respondent No. 1 Shri Suresh Anantrao Pedgaonkar, Under Secretary, Social Justice and Special Assistance Department, mentions in paragraph No.5 that the State Government will grant pay scales subject to the outcome of the Special Leave Petition, a notification dated 27.11.2015 has been issued. Another order dated 11.12.2015 has been issued by respondent No. 4, by which, the following amounts are held to be payable to the petitioners:

- (a) Shri Sadashiv Nagorao Aurade - Rs. 4,74,988/-,
- (b) Shri Babarao Deorao Anerao Rs.1,69,119/- and
- (c) Shri Umakant Balaji Kendre Rs.4,65,193/-.

2. The learned AGP then points out from the notification dated

27.11.2015 that Clause 5 set out on page No.2 is given up by the State and this statement is being made on instructions. By clause 3 and 4 of the said notification, the petitioners shall be treated as trained Primary Teachers from the date of initial appointments.

3. He, however, frankly states that the State is contemplating a Review Petition or a Special Leave Petition before the Apex Court in relation to the order passed by this Court on 10.1.2014. Naturally, the decision of the State, as is communicated to this Court today, would be subject to the result of such proceedings. He, therefore, adds that though these petitioners may withdraw these amounts, same ought to be with an undertaking / affidavit as, in the event the State succeeds in further litigation against the petitioners, they may have to recover the amounts being paid to them.

4. The notification dated 27.11.2015 and the decision of respondent No.4 dated 11.12.2015 is taken on record and marked as Exhibit “X” and “Y” respectively for identification.

5. Shri Dhakane, learned Advocate for the petitioners voices his apprehension to the word “temporarily” (“तात्पुरत्या”) set out on page No.2 of Exhibit “X”. Contention is that the State could not have used the word “temporarily”. The learned Government Pleader has responded to the said apprehension by stating that though the word “temporary” is used, it

is made clear in Exhibit “X” and “Y” that the order of this Court, dated 10.1.2014 has been complied with and the State has merely reserved its right to prefer a Review Petition or an Special Leave Petition. The word “temporary” is, therefore, used in this sense.

6. Shri Dhakane, therefore, submits that this petition can be disposed off in the light of the submissions of the learned Government Pleader in view of Exhibits “X” and “Y”. He adds that after the amount is deposited in this Court, the petitioners be permitted to withdraw the same.

7. In the light of the above, this contempt proceeding is purged. This petition is disposed off in the light of the submissions of the learned Government Pleader, Exhibit “X” and Exhibit “Y”.

8. After the amount is deposited in this Court on/or before 31.12.2015, the petitioners are granted liberty to withdraw the said amount as per the figures mentioned in Exhibit “Y” and recorded herein above, subject to submitting an affidavit in the form of an undertaking duly identified by the learned Advocate for the petitioners stating that in the event the withdrawal amount is recoverable from the petitioners, pursuant to any directions of this Court or the Apex Court, they shall return the said amounts, within a period of two months from the date of such directions.

9. These affidavits shall be accompanied with a self attested identity proof in the form of election I.D. card / PAN Income Tax.

(RAVINDRA V. GHUGE, J.)

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