

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

905 CONT. PETITION NO. 442 OF 2015
IN WP/2020/2013

1. Ramrao s/o Digambar Gopnar
Age 32 years, Occu: Nil
R/o Tagyal, Tq. Mukhed,
District Nanded.
2. Mr. Vijay s/o Marotirao
Waghmare
Age 32 years, Occu: Nil
R/o Koti Tirth,
Taluka & Dist. Nanded
3. Balaji s/o Govindrao Khonde **... Petitioners**
Age 33 years, occu: Amrutnagar,
Tq. Andhapur, Dist. Nanded.

VERSUS

1. The State of Maharashtra,
Through Its Secretary,
Socieal Welfare Department,
Mantralaya, Mumbai
2. The Director,
Social Welfare Department,
Maharashtra State, Pune.
3. Bhagwan Narayan Veer,
Age major, Occu: Service as
the District Social Welfare
Officer, Nanded. Dist. Nanded
4. Jaymalhar Shikshan Prasarak
Mandal, Kautha, Tq. & Dist.
Nanded, through its Secretary
Mr. Bharat Balajirao Kakade,
5. Jijamata Madhymik Ashram
School, Hissapur, Tq. & Dist.
Nanded, Through its Head Master
Arvind Panditrao More

Advocate for Petitioners : Mr. Shinde Ashish B
AGP for Respondents: Mrs. M. A. Deshpande
Advocate for Respondent No.4 : Mr. V.D. Hon, Senior
Advocate I/by Mr. A. V. Hon
Advocate for Respondent No.5: Mr.U. B. Bilolikar

**CORAM : S. V. GANGAPURWALA &
K. L. WADANE, JJ.**

DATE : 23rd August, 2016

ORDER:

1. We have heard Mr. Shinde, the learned counsel for the petitioner, learned AGP for the State and Mr. Hon, learned senior Advocate for respondent No.4.

2. This Court had directed the Social Welfare Department to calculate the amount due and payable to petitioner No.3. Learned AGP submitted that the Assistant Commissioner, Social Welfare has filed an affidavit and has computed the amount payable to the petitioner No.3 i.e. an amount of Rs.9,63,420/-. Mr. Hon, the learned Senior Advocate, submits that as far as petitioner Nos. 1 and 2 are concerned, this Court had directed an enquiry to be conducted. The enquiry was conducted and decision in the enquiry is challenged by the Management by filing Writ Petition No.847/2016. The learned Senior Advocate further submits that the amount calculated for payment to Petitioner No.3 will be paid by the respondent Management, however, some

indulgence by way of installment be granted to the respondents. An affidavit is also filed to that effect.

3. We have considered the present contempt petition to the extent of petitioner No.3. We give an opportunity to petitioner Nos. 1 and 2 to agitate in respect of contempt in tune with the order that may be passed by this Court in Writ Petition No.847/2016.

4. The affidavit filed by Respondent No.4 Management states that they would comply the order passed with regard to the payment of Rs.9,63,420/- to petitioner No.3. in instalments.

5. Considering the above and the fact that the ground of financial constraint is put forth, we pass following order:

O R D E R

(1) Respondent Nos. 4 and 5 shall pay the amount of Rs.9,63,420/- to petitioner No.3 as follows:

i. Rs.1,00,000/- (Rupees One lakh) shall be paid within fifteen days.

ii. Rs.3,00,000/-(Rupees Three lakhs) shall be

paid by December, 2016.

iii. Rs.3,00,000/-(Rupees Three lakhs) shall be paid by March, 2017/-.

iv. Last instalment of Rs.2,63,420/- shall be paid by September, 2017.

(2) Payment of instalments of March, 2017 and September, 2017 shall carry interest @ Rs.6% per annum.

(3) Contempt petition is accordingly disposed of.

(4) It is made clear that we have not considered the case so far as petitioner Nos. 1 and 2 are concerned. Petitioner Nos. 1 and 2 are at liberty to raise their grievance about contempt upon the decision in Writ Petition No. No.847/2016

(K. L. WADANE, J.)

(S. V. GANGAPURWALA, J.)

JPC