

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CONTEMPT PETITION NO.157 OF 2016

Shri Rajendra Waman Rajemane. .. Petitioner
Vs.
Mr. Sanjivraje Vijaysinh Naik-Nimbalkar & Ors. .. Respondents

Mr. Dilip Bodake for Petitioner.
Mr.N.V. Bandiwadekar i/by Mr. Milind Deshmukh for Respondent Nos.1 to 3.
Mr. Amit Borkar for Respondent No.4.
Mr. A. R. Metkari, AGP for State - Respondent No.7.

CORAM : R.D. DHANUKA, J.
DATE : 8th August 2016

P.C.

. After arguing the matter at length, Mr.Bodake, learned counsel appearing for the petitioner seeks liberty to withdraw the prayer for contempt against the respondent nos.1 to 4 and seeks liberty to file appropriate proceedings in respect of both the orders. Statement is accepted.

2. In so far as the back wages directed to be paid by this Court by an order dated 1st April 2015 in Writ petition No.1990 of 2011 to the petitioner by the management is concerned, there is no dispute that the management has already paid a sum of Rs.8,35,589/- to the petitioner and has deposited Rs.36,000/- towards tax deducted at source with the Income Tax Department. There is however dispute about the exact quantification of back wages payable to the petitioner.

3. Learned counsel for the petitioner and the learned counsel for the management have agreed that the dispute in respect of quantification of the back wages can be referred to the respondent no.6- the Joint Director of Higher Education, Kolhapur Division, Kolhapur. Both the learned counsel for the parties have agreed that the petitioner will file a representation before the respondent no.6 about quantification of the back wages payable, according to the petitioner. It is made clear that the management is also entitled to file their say before the respondent no.6 in respect of back wages payable to the petitioner, according to the management.

4. Mr.Bandiwadekar, learned counsel for the respondent nos.1 to 3, on instructions, states that whatever amount is found due and payable according to the decision of the respondent no.6 would be paid by the management within four weeks from the date of communication of the said decision. Learned counsel for the petitioner also, on instructions, agrees to accept the decision of the respondent no.6 on quantification of back wages. Statements made by the learned counsel for the parties are accepted.

5. The respondent no.6, Joint Director of Higher Education, Kolhapur Division, Kolhapur shall pass an appropriate order within a period of eight weeks from the date of filing of the submissions by both the parties and after giving an opportunity of hearing to both the parties.

6. Contempt petition is disposed of in aforesaid terms. No order as to costs. The parties as well as the respondent no.6 to act on the authenticated copy of this order.

R.D. DHANUKA, J.