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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CONTEMPT PETITION NO.25 OF 2015

IN

WRIT PETITION NO.767 OF 2007

Pragna Vasant Acharya ...Petitioner

vs

The State of Maharashtra And Others ...Respondents

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Mr. N.V. Bandiwadekar, i/b. Sagar Mane, for the Petitioner.

Mr. G.W. Mattos, AGP, for Respondent Nos. 1 and 2.

Mr. A.G. Kothari, for Respondent Nos. 3 to 5.

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CORAM : S.C. GUPTE, J.

DATED: APRIL 22, 2016

P.C. :

. This Contempt Petition alleges a deliberate breach and contempt of an order passed by this Court on 12 December 2012 in Writ Petition No.767 of 2007, as corrected by order dated 15 April 2013, directing Respondent No.2 – Education Inspector (North Zone), *inter alia*, to pay the difference of salary to the Petitioner after granting approval in trained graduate scale. Such approval and differential salary was to be granted and paid within six weeks and ten weeks, respectively, of the date of the order. The payment of Rs.5,48,773/- in accordance with this order towards difference of salary, was finally made on 27 January 2016. There was a delay of nearly 41 months in complying

with the order of this Court. This Court, in its earlier orders passed in the Contempt Petition, has clearly noted that the excuse given by the Petitioner for not paying the amount in time was not *prima facie* acceptable. The order passed on 22 February 2016 directed the learned AGP to take instructions whether the State was prepared to pay compensation/interest to the Petitioner as and by way of a mitigating factor. Learned AGP has placed on record a copy of a communication addressed by the office of the Education Inspector to the Government Pleader on 4 March 2016 indicating no objection to pay compensation of Rs.25,000/-. The copy is taken on record marked "X" for identification.

2. Considering the fact that there is no justification whatsoever for the delay in payment, though Respondent No.2 himself claims to have completed the administrative process for grant of approval in terms of the order passed by this Court at his level, there is a case for adequately compensating the Petitioner if the Respondents are to be excused from any order of committal under the contempt jurisdiction of this Court. Even if we take simple interest at the rate of 6% p.a. for the delay of over 41 months, the compensation would work out to over Rs.1 lac. In the premises, Respondent State is directed to pay a compensation of Rs.75,000/- to the Petitioner within a period of ten weeks from today. The Respondent State shall also conduct appropriate enquiry and fix the responsibility on the erring Officer/employee of the State in delaying implementation of the order of this Court. After such responsibility is fixed, the State shall recover the compensation paid to the Petitioner in terms of this order from such delinquent Officer/employee. It is,

however, clarified that the payment of Rs.75,000/- ordered herein, shall be made to the Petitioner upfront and without reference to any such enquiry. The amount paid from the State Exchequer will be reimbursed later, after the enquiry and fixation of responsibility in terms of this order. The Contempt Petition is, accordingly, disposed of.

3. Parties to act on the authenticated copy of this order.

(S.C. GUPTE, J.)