

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

**CONTEMPT PETITION NO.81/2016**

**IN**

**WRIT PETITION NO.1765/2014 (D)**

**Prabhakar Rambhauji Radke**

**...Versus...**

**Shri Nandkumar, Principal Secretary, Department of School Education,**  
**Mantralaya, Mumbai - 32 and others**

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders  
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Court's or Judge's orders

Shri Sachin Khandekar, Advocate for petitioner  
Shri Sanjeev Deshpande, Addl. G.P. for respondents

**CORAM : SMT. VASANTI A NAIK AND**  
**MRS. SWAPNA JOSHI, JJ.**

**DATE : 09.12.2016**

By this contempt petition, the petitioner seeks action against the respondents for willful disobedience of the order, dated 24.3.2015 in Writ Petition No.1765/2014. It is stated that though this Court had directed the respondents to fix the pay of the petitioner in the revised pay scale, in accordance with the Rules of 1988 and grant the consequential benefits to the petitioner, the respondents have not fixed the pay in the appropriate pay scale and have not paid the benefits.

Shri Deshpande, the learned Additional Government Pleader appearing for the respondents states that the petitioner's pay scale is revised after the order of which the contempt is

alleged was passed as per the Government Resolution, dated 14.6.2016 and the arrears of the monetary benefits, that were payable to the petitioner, are also released.

Shri Khandekar, the learned Counsel for the petitioner states that in respect of some other Librarians, a higher pay scale is fixed while depriving the petitioner of the said pay scale.

On a reading of the order of which the contempt is alleged, we do not find that the respondents were directed to fix the pay of the petitioner in a particular pay scale and therefore, the non-fixation of the pay scale in a particular pay scale, as desired by the petitioner, cannot be a matter for contempt. The pay scale of the petitioner is revised and the arrears of the monetary benefits are paid to the petitioner. If the petitioner is aggrieved by the action on the part of the respondents in not fixing the pay scale of the petitioner, as is fixed for some other employees, the petitioner has other remedies.

In the circumstances of the case, we dispose of the contempt petition with no order as to costs.

**JUDGE**

**JUDGE**