

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

**CONTEMPT PETITION NO. 383 OF 2015**

**IN**

**WRIT PETITION NO. 3180 OF 2014 (D)**

Tanvir Ahmad Khan Shabbir Khan

-vs-

Shri A.J.Sonawane, Incharge Dy. Director of Education, Amravati and others

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Office notes, Office Memoranda of  
Coram, appearances, Court's orders  
or directions and Registrar's orders.

Court's or Judge's Orders.

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Mr. V.K.Paliwal, counsel for the petitioner.  
Mr. U.A.Gosavi, counsel for the respondent No.3.  
Mr. P. S. Kshirsagar, counsel for the respondent No.4.

**CORAM : SMT. VASANTI A. NAIK &**  
**V.M.DESHPANDE, JJ.**

**DATE : 26.04.2016.**

By this contempt petition, the petitioner seeks action against the respondents for breach of the undertaking/statement made by the counsel for the Management on 19/09/2014, on the basis of which, Writ Petition No.3180 of 2014 was disposed of.

According to the petitioner, the respondents have not released the arrears of salary of the petitioner though a statement was made by the learned counsel for the Headmaster of the High School and Junior College, on instructions from the Management that the arrears of salary of the petitioner would be paid within a period of six weeks. It is stated that the respondents have not paid the salary, as per the statement made by the counsel, on the instructions of the Management on 19/09/2014. It is stated that the salary is not paid to the petitioner, in accordance with the rules. It is stated that only a sum of Rs.78,000/- was paid to the petitioner, but the entire arrears of salary that was payable to the petitioner are not paid.

Shri Gosavi, the learned counsel for the respondent No.3, submitted that the statement made before the Court on 19/09/2014 is not breached. It is stated that within a period of six weeks, an amount

of more than Rs.78,000/- was paid to the petitioner towards arrears of salary. It is stated that the petitioner was receiving the salary of Rs.5,500/-, before he was brought on the school that was receiving grant-in-aid. It is stated that the order permitting the absorption of the petitioner in the grant-in-aid school has been stayed by this Court in a writ petition filed by the Management. It is stated that the arrears of salary have been paid to the petitioner.

On hearing the learned counsel for the parties, we do not find that the respondents have in any manner breached the undertaking/statement made in this Court on 19/09/2014. Within a period of six weeks, an amount of Rs.78,000/- was paid to the petitioner and the petitioner does not dispute the receipt of the same. If the petitioner is of the view that the arrears of salary were not paid to the petitioner in a proper pay scale, the petitioner has other remedies. However, the said matter cannot be a matter for contempt.

Since we do not find that the undertaking has been breached, we dispose of the contempt petition with no order as to costs.

**JUDGE**

**JUDGE**