

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

**CONTEMPT PETITION NO. 73 OF 2016
IN WP/8159/2012**

**VILAS SIDRAM ARDHAPURE
VERSUS
SHIVSHANKAR MALLIKARJUNAPPA BIDVE AND ANOTHERS**

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Advocate for Petitioner : Shri Patnurkar V.D..
Advocate for Respondent 1 : Shri A.N.Sabnis h/f Shri Gunale V.D..

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 10th February, 2017

Per Court:

1 I have heard the learned Advocates for the respective sides and have gone through paragraph 27 of the order passed by this Court dated 07.10.2015 which is at issue and the affidavit in reply filed by Respondent No.1.

2 It is informed by Shri Sabnis, learned Advocate for Respondent No.1, that the amount of dues considering paragraph 27 of the order of this Court was calculated and by deducting the dues towards the Employees Credit Cooperative Society considering the loan taken by the Petitioner, the residual amount has been paid to him. He has attained the age of superannuation and is not in employment of Respondent No.1.

3 Shri Patnurkar, learned Advocate, on instructions from the son of the Petitioner present in the Court, confirms that the said amount as indicated by Shri Sabnis, which is Rs.3,56,567/- has been received by him, out of which Rs.1,17,508, has been paid towards the dues of the Employees Credit Cooperative Society.

4 The issue before this Court is as to whether, Respondent No.1 has correctly calculated the dues to be paid to the Petitioner. The Petitioner quotes different pay scale though it is not pleaded in the memo of the petition and Respondent No.1 has stated the revised pay scale in its calculations placed on record.

5 While dealing with the contempt of court proceedings and while assessing whether, the order of this Court has been willfully, deliberately and intentionally disobeyed by the Respondents, the issue of entitlement of a particular scale cannot be gone into.

6 In the light of the above, this Contempt Petition is disposed of with liberty to the Petitioner to prefer a proper representation within a period of FOUR WEEKS from today to the concerned competent authority. Upon receipt of the said representation, the competent authority shall

decide the claim of the Petitioner after hearing the Respondent/
Management.

7 Needless to state, it is expected that the said representation
would be decided within a period of TWELVE WEEKS from the date of it's
receipt.

kps

(RAVINDRA V. GHUGE, J.)