

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

**CONTEMPT PETITION NO. 420 OF 2016
IN
WRIT PETITION NO. 11357 OF 2015**

Shaikh Subhan Shaikh Hasan .. Petitioner

Versus

Rajendra Shantaram Dhamnaskar
and others .. Respondents

Shri R. R. Mantri, Advocate h/f Shri H. D. Deshmukh, Advocate
for the Petitioner.

Mrs. M. A. Deshpande, Addl.G.P. for Respondent/State.

Shri M. A. Deshmukh, Advocate h/f Shri S. G. Chapalgaonkar,
Advocate for the Respondent No.

Shri G. P. Darandale, Advocate h/f Shri N. K. Kakade, Advocate
for the Respondent No.

**CORAM : S. V. GANGAPURWALA AND
SANGITRAO S. PATIL, JJ.**

DATE : 23RD MARCH, 2017.

PER COURT :

. Mr. Mantri, the learned counsel for the petitioner states that, subsequently amount has been paid to the petitioner, however, the letter annexed along with affidavit in reply at Exhibit R – 1 is conditional one and the said condition of the amount being paid subject to final decision of the Court proceedings is erroneous. The same is not in consonance with

the order of this Court dated 21.03.2016 in Writ Petition No. 11357 of 2015. At the most that liability arises of the institution and not the petitioner.

2. We have heard the learned Additional Government Pleader, who also refers to the order passed by this Court dated 21st March, 2016.

3. This Court has observed as under :

Since the University has accorded approval to the appointment, the objection raised by respondent no. 1 in that regard does not bear any substance. Learned counsel for respondents 3 and 4 states on instructions that any financial liability in the event of success of appeals presented to the University tribunal or writ petition presented to this Court is not likely to accrue affecting the post occupied by the petitioner herein. However, even if any liability accrues affecting disbursement of salary grants available to petitioner, respondents 3 and 4 shall bear the responsibility thereof. In view of submissions made on instructions by learned counsel for respondents 3 and 4, objection raised by respondent no. 1 in respect of withholding of salary grants and other dues admissible for disbursement in favour of petitioner does not survive. Writ petition is therefore allowed. Respondent no.1 is directed to release the salary grant for disbursement of salary in favour of petitioner, as expeditiously as possible, preferably within a period of eight weeks from today. Rule is accordingly made

absolute. In the facts and circumstances of the case, there shall be no order as to costs.

4. The aforesaid order would make it abundantly clear that the directions were given to pay the amount to the petitioner. The amount has been calculated and paid to the petitioner. No liability of the petitioner would arise further with regard to payment that is made. The petitioner is not responsible or not liable to repay the amount that is paid to the petitioner pursuant to the orders passed.

5. It is submitted that, the petitioner was not at any point of time declared as surplus, nor the petitioner has filed any appeal before the University Tribunal.

6. The petitioner as such is not liable to bear any fiscal liability with regard to payment made to him. In case of any rights, the parties may prosecute in appropriate forum. The contempt stands purged. The contempt petition stands disposed of.

[SANGITRAO S. PATIL, J.]

[S. V. GANGAPURWALA, J.]