

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.347 OF 2011
IN
WRIT PETITION NO.10167 OF 2010

Sahadeo Kerappa Aiwale	...Petitioner
vs.	
Sangola Taluka Shetkari Shikshan Prasarak Mandal and Another	...Respondents

Mr. I.M. Khairdi, for the Petitioner
Mr. G.M. Savagave, for Respondent No. 1.
Ms. Nisha Mehra, AGP for Respondent-State.

CORAM : SHANTANU S. KEMKAR &
PRAKASH D. NAIK, JJ.

DATE : **MARCH 14, 2017**

P.C.:

- . Parties through their counsel.
2. By filing this Contempt Petition the Petitioner has alleged non compliance of the order dated 20th August, 2011 passed by the Division Bench of this Court in Writ Petition No. 10167 of 2010 read with Civil Application No. 1055 of 2011. The aforesaid Writ Petition and the Civil Application was disposed of by issuing following directions :

4. *“We, therefore, direct the respondent – management to appoint an Enquiry Officer and nominate its nominee*

within one week from today. The petitioner shall also intimate the name of his defence representative on the proposed Enquiry Committee within a period of one week. The enquiry shall be completed as expeditiously as possible and in any case before 31st October 2011. If the petitioner does not desire to nominate a defence representative, he may conduct his case on his own. We further direct the management to pay the allowance as per Rule 35(4) of the MEPS Rules to the petitioner along with the arrears within two weeks from today”.

3. Thereafter, during pendency of this Contempt Petition, the Division Bench of this Court on 11th March, 2015 passed the following order:

“ Heard.

There is a dispute in regard to the calculation of the subsistence allowance for the period from 17.9.2010 to 20.8.2011. It is however submitted on behalf of the petitioner that the petitioner is entitled to subsistence allowance till 1.11.2011. It would, therefore, be necessary for the respondents to first pay the admitted arrears of subsistence allowance from 21.8.2011 till 31.10.201. The said amount should be paid by the respondents to the petitioner within a period of four weeks.

S.O. after four weeks for further consideration.”

4. The Respondent No. 1 has filed reply. In the said reply the Respondent No. 1 in para 5 and 6 has stated as under :

“5. I say that this Respondent has calculated the suspension allowance for the period from 17-9-2010 to 20-8-2011 as per the provisions of Rule 35(4) of the MEPS Rules. The total amount of suspension allowance is amounting to Rs. 2,20,030/- and the same is already paid by this Respondent to the Petitioner. Hereto annexed and marked as

***Exhibit 1** is a copy of the detailed chart of the suspension allowance for the 17-9-2010 to 20-8-2011.*

6. *I say that as per the order dated 11-3-2015 passed by this Hon'ble Court, this Respondent has calculated the suspension allowance for the period from 21-8-2011 to October, 2011 amounting to Rs. 49, 983.- and the same has been sent to the Petitioner by Reg.A.D. Hereto annexed and marked as **Exhibit 2** is a copy of the chart of suspension allowance for the period from 21-8-2011 to October 2011 and the zerox copy of D.D. Thus, this Respondent has paid suspension allowance."*

5. Thus according to the Respondent No. 1 the entire amount which was required to be paid to the Petitioner towards the suspension allowance has been paid. The learned counsel for the Petitioner however submits that the calculations made by Respondent No. 1 is incorrect and he has still to receive the large sum of amount from the Respondent No. 1.

6. Keeping in view the controversy raised by the parties in regard to the calculations of the suspension allowance, we deem it appropriate to dispose of this Contempt Petition by directing the Education Officer (Secondary), Zilla Parishad, Solapur to look into the Petitioner's grievance in regard to the non compliance of the order passed by this Court on 20th August, 2011.

7. The Petitioner as also the Respondent No. 1 to appear before the Education Officer (Secondary), Zilla Parishad, Solapur along with their respective calculations and the relevant documents on 4th April, 2017 at 11.00 a.m.

8. The Education Officer shall hear the parties and pass the appropriate order in accordance with law within two weeks in regard to the grievance of the Petitioner.

9. In case after hearing of the parties, the Education Officer is of the view that some amount is payable to the Petitioner, then the amount as may be calculated by him shall be paid to the Petitioner by Respondent No. 1 within one month from the date of passing of such order by the Education Officer.

10. With the aforesaid direction, the Contempt Petition is disposed of.

(PRAKASH D. NAIK, J.)

(SHANTANU S. KEMKAR, J.)