

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
CONTEMPT PETITION NO. 73/2016

IN
WRIT PETITION NO. 2685/2014

(Shri Vithoba s/o Madhao Gedekar vs. Shri Mahendra Kalyankar and another)

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

Court's or Judge's order

Shri P.D. Meghe, Adv. for petitioner
 Shri N.W. Almelkar, Adv. for respondents 1 and 2

CORAM : B.P. DHARMADHIKARI &
 MRS. SWAPNA JOSHI, JJ.
DATED : 10th March, 2017.

1. Perused the judgment delivered by this Court on 20th February, 2015 in Writ Petition No.2685/2014. The petitioner claims its disobedience.
2. The respondent-Zilla Parishad states that it has fully implemented it.
3. Question is, whether petitioner is entitled to arrears after he is fixed in the pay scale of Rs.1500-9000 from 01.10.2006. According to Adv. Meghe, after that treatment, all arrears need to be worked out and released to petitioner. He submits that that is the purport of judgment dated 20th February, 2015.
4. Adv. Almelkar also relies upon very same judgment. He invites attention to Government Resolutions mentioned in its earlier paragraph, to urge that those GRs contemplate only

notional fitment as on 1.10.2006 and actual arrears are not to be released. Accordingly, Zilla Parishad, Chandrapur has not paid arrears in any manner. In few matters, arrears were paid but the same have been recovered.

5. Adv. Meghe disputes this. He is seeking time to place on record necessary material.

6. We are considering the controversy in contempt. In the light of defence raised above, the only surviving question is whether judgment delivered by this Court on 20.2.2015 enables petitioner to claim actual arrears or then that judgment warrants only notional fixation.

7. We do not see any absence of *bona fides* in defence of respondents in the matter.

8. We, therefore, do not find any wilful and deliberate disobedience of the directions of this Court.

9. However, we grant leave to petitioner to file appropriate proceedings for ventilation of his grievance.

10. Contempt Petition is accordingly disposed of. No costs.

JUDGE

JUDGE