

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

CONTEMPT PETITION NO. 242 OF 2015
IN WRIT PETITION NO. 2690 OF 2010

(Vivek Laxmanrao Saraf & Anr. vs. Mr. Nand Kumar, Secretary, Department of Education & Ors.)

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

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
MRS. SWAPNA JOSHI, JJ.
JANUARY 13, 2017.**

Heard Shri A.R. Deshpande, learned counsel for the petitioners and Shri N.S. Rao, learned counsel for the respondents.

Perused the orders dated 22.09.2011 passed in Writ Petition No. 2690 of 2010 by which non compliance is alleged.

The effort of Shri Deshpande, learned counsel is to demonstrate that the petitioners needed to be fixed in pay-scale of Rs.1400-2600 and their arrears should have been worked out and paid accordingly. Instead they have been erroneously fixed in pay-scale of Rs.1400-2300, therefore, arrears have been worked out in a wrong pay-scale. He further adds that perusal of order reveals that the benefit of correct pay-scale i.e. Rs.1400-2600 should have been extended immediately from the date of order to the petitioners. That has not been done. He adds that even the benefit of wrong pay-scale of Rs.1400-2300 has not been extended from that date till date.

Shri Rao, learned AGP submits that after due application of mind, the respondents have been found entitled to fitment in pay-scale of Rs.1400-2600, therefore, their arrears have been accordingly worked out and being paid to the petitioners. A direction to draw their salary according to pay-scale of Rs.1400-2600 has been issued. He is seeking time of one week to file necessary affidavit in this respect.

We have perused the orders of this Court dated 22.09.2011. There is no specific direction to extend pay-scale of Rs.1400-2600 and to revise their current salary immediately.

During arguments, it is pointed out that after proper fitment, the petitioners need to be extended the benefit of 5th Pay revision and 6th Pay revision and that has also not been done.

Hence, we keep all contentions of the learned counsel for the petitioners open. We grant liberty to the petitioners to make appropriate representation pointing out wrong fixation, less receipt of arrears by them and need of wage revision in the wake of 5th and 6th Wage revisions. If such a representation is made by the respondents within two weeks from today, the concerned authority viz., the Deputy Director of Education, Amravati, shall look into it within next four weeks. He may also authorize the Education Officer, Akola, to look into that grievance.

The receipt of arrears in the pay-scale of Rs.1400-2300 or salary in that pay-scale shall not preclude the petitioners from challenging the correctness of the

amount received by them.

With these observations and liberty, we dispose of the present contempt petition. However, in the facts and circumstances of the case, there shall be no order as to costs.

JUDGE

JUDGE

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