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

**CONTEMPT PETITION NO. 542 OF 2017
IN
WRIT PETITION NO.8508 OF 2013**

Madhav (Mahadu) Sitaram Nangare
Age: 50 years, Occ: Service,
R/o. At post Nanand,
Tq. Nilanga, Dist. Latur.

..PETITIONER

VERSUS

1. Shri. Ganpatrao More,
Age: Major, Occ: Service as
Education Officer (Secondary),
Zilla Parishad, Latur.
2. Vilas Baburao Shingade,
Age: 60 years, Occ: Business
& Secretary, Vivekanand Shikshan
Sanstha, Nanand, R/o. Nanand,
Tq. Nilanga, Dist. Latur.
3. Sanjay Pandurang Lade,
Age: 42 years, Occ: Service as
Head Master, Dnyaneshwar
Vidyalaya, Harijawalga,
Tq. Nilanga, Dist. Latur.

4. The State of Maharashtra ..RESPONDENTS

Mr V. P. Golewar, Advocate for petitioner;
Mr A. R. Lukhe, Advocate holding for Mr A. S.
Shelke, Advocate for respondent Nos.2 & 3
Mr S.S. Dande, A.G.P. for respondent Nos.1 & 4

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**CORAM : PRASANNA B. VARALE &
MANISH PITALE, JJ.**

DATE : 24th AUGUST, 2018

ORAL ORDER :

Heard Mr. Golewar, learned Counsel appearing for the petitioner.

2. The grievance of the petitioner is, in spite of the order passed by this Court, necessary compliance is not done, more particularly respondent Nos. 1 to 3.

3. The Division Bench of this Court in Writ Petition No. 8508 of 2013, by order dated 22nd August, 2016, considering the limited grievance of the petitioner, directed the respondents firstly to the institute to submit the salary bills and then competent authority to process the salary bills submitted by the institution in respect of the petitioner for period from May, 2010 to November, 2011 as expeditiously as possible and preferably within within a period of six months from the date

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of order of this Court. The Division Bench further made it clear that the claim of the petitioner for payment of salary from 21st June, 1995 to November, 2006 is not being considered by this Court for the reason that for that period, the petitioner himself was head master of the school and that being a disputed question of fact, this Court thought not to enter into this disputed fact.

4. Learned Counsel appearing for the petitioner submitted that in spite of directions of this Court, no necessary compliance was undertaken by the respondents. Affidavit in reply on behalf of respondent No.1 is filed by Dr. Ganpat s/o Shankarrao More, occupying position as Education Officer (Secondary), Zilla Parishad, Pune. It is stated in the affidavit in reply that though this Court directed him to process bills within stipulated period of six months from the date of order, due to certain procedural difficulties, he could not take appropriate decision within six months and there is some delay. It is then stated

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in the affidavit in reply that delay caused for compliance of the order is not intentional but because of procedural difficulties.

5. The document is placed on record along with affidavit Exhibit R-1 to submit that salary bill of the petitioner was submitted by the institution. The Education Officer (Secondary) also undertook exercise of hearing of the parties. By way of order dated 6th June, 2017 the Education Officer (Secondary) informs head master that resolution is passed by the management thereby granting the petitioner salary of leave period. Resolution is dated 8th November, 2011. The institute submitted pay bills to the pay unit for period from May 2010 to November 2011. He further directs that the necessary action be taken as per provisions and in turn, compliance report be submitted to him.

6. The other documents are placed on record along with affidavit to submit that necessary

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compliance is done by the Education Officer (Secondary).

7. Learned Counsel appearing for respondent Nos. 2 and 3 invited our attention to the affidavit filed on behalf of respondent Nos. 2 and 3. He then invited our attention to the communication to the Superintendent of Pay Unit, Latur dated 6/9/2017-5/10/2017. It is submitted in the communication that salary bill is already submitted to the office along with requisite proformas referring to the demand of amount and also with quantification of the amount.

8. The other documents are also placed on record namely certificate issued by head master and statement showing the arrears of bill w.e.f. May 2010 to November 2011. There is also reminder to the Superintendent of Pay Unit dated 30th January, 2018. The submission of learned Counsel appearing for respondent Nos. 2 and 3 is, respondent Nos. 2 and 4 have also complied the order of this Court in

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letter and spirit and now, it is only pending before the competent authority namely Superintendent of Pay Unit, Latur.

9. Considering all these facts and considering the fact that the Education Officer (Secondary) who was party to the petition and who had filed affidavit in reply in the contempt petition also admits that pay bill is submitted by the institute, we are of the opinion that the grievance of the petitioner raised in the present contempt petition can be redressed by directing the authority with whom bill is pending i.e. Superintendent of Pay Unit, Latur, as the documents referred to above show that on 6/9/2017-5/10/2017 head master submitted bill to the Superintendent of Pay Unit and also sent reminder on 30th January, 2018.

10. We direct the Education Officer (Secondary) to establish contact with Superintendent of Pay Unit, Latur immediately and

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by apprising the superintendent, the orders of this Court in Writ Petition as well as about filing of the contempt petition in this Court to instruct Superintendent of Pay Unit to take immediate steps within three weeks and to do the needful thereby resulting in to disbursement of the amount in favour of the petitioner to which he is entitled to. This direction would cause no prejudice to the respondents.

11. Accordingly, contempt petition is disposed of with above directions.

(MANISH PITALE)
JUDGE

(PRASANNA B. VARALE)
JUDGE

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