

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

926 CONT. PETITION NO. 476 OF 2016

IN CP/175/2014 WITH CA/5241/2018 IN CP/476/2016

AJMERI BEGUM AFZULUDDIN AND ANOTHER
VERSUS
SASHIKANT BHAURAO HINGONEKAR AND OTHERS

...

Mr. P.G.Deshmukh h/f Mr. Y.P.Deshmukh, Advocate for
Petitioners

Smt. A.V.Gondhalekar, AGP for Respondents-State

Mr. P.P.Dama, Advocate for Respondent No.1

Mr. S.A.Ambilwade, Advocate for Respondent Nos.2 & 3

...

**CORAM : PRASANNA B. VARALE AND
MANGESH S. PATIL, JJ.**

DATE : 21.11.2018

PER COURT :-

1. Heard Mr. Deshmukh, the learned counsel appearing for the petitioners. Though this is not a very happy state of affairs that the petitioners had to approach this Court time and again by filing Contempt Petitions for seeking compliance of the order of this Court, considering the facts brought on record, we are of the opinion that now this petition can be disposed of by issuing certain directions.

2. The petitioners were before this Court in Writ Petition No.1443 of 2008 as the parties arrived at a settlement by compromise, the Division Bench of this Court, by an order

dated 22.08.2013, disposed of the Writ Petition in terms of minutes of the order. It is not in dispute that the first two clauses of the operative part of the order in paragraph No.2 are complied with. There was a dispute about the submission of pay bills. The learned counsel Mr. Deshmukh submitted that for quite some time the management failed to submit the pay bills and as such there was a consistent delay in receiving the rightful amount claimed by the petitioners.

3. Perusal of the affidavit-in-reply on behalf of Respondent No.1 through Shri. S.B.Hingonekar, Secretary shows that the Management submitted the pay bills of the petitioners, accordingly the Zilla Parishad, Beed disbursed the payment of Rs.10,08,736/- as well as 1,76,443/- by regularizing the pay fixation as per the seniority of the petitioners. The bills were forwarded to the Director of the Education. The copies are placed on record along with affidavit-in-reply. The perusal of the proposal along with the pay bills dated 17.03.2018 forwarded to the Director of Education (Primary) State of Maharashtra, Pune through the Education Officer (Primary) Zilla Parishad, Beed show that the Education Officer forwarded the bills along with

appraisal of the facts that the Contempt Petition is pending in this Court. The documents placed on record further show that even the Superintendent of Pay Fixation Unit, Beed forwarded the required requisite information to the Director of Education through a special messenger along with the communication dated 17.03.2018. The Education Officer submitted a tabular chart specifying the period and the entitlement of the petitioners. Considering these facts, now there cannot be any dispute on the facts situation that the order dated 22.08.2013 passed by the Division Bench of this Court in Writ Petition No.1443 of 2008 is complied with. Mr. Deshmukh was justified in submitting before us that though the Education Officer submitted the bills to the Director of Education for his approval, if the proposal submitted by the Education Officer pends before the Director of Education for further indefinite period then object of approaching this Court, would be frustrated. As such Mr. Deshmukh submits before this Court that though the Director of Education was not party to the original petition, considering the facts which are brought on record by way of affidavit-in-reply, the Director of Education be directed to take immediate steps on the proposal and the communication submitted to him through the Education Officer (Primary) Zilla Parishad, Beed

dated 17.03.2018.

4. Considering the fact that these petitioners are waiting for their rightful claim of salary bills for a long period i.e. from the year 2008, we find merit in the submissions of Mr. Deshmukh. Accordingly, we direct the Director of Education (Primary), Maharashtra State, Pune to take immediate steps on the communication dated 17.03.2018 forwarded to him through Education Officer (Primary) Zilla Parishad, Beed, as expeditiously as possible and not later than six weeks from today.

5. With these directions, the Contempt Petition is disposed of.

6. In view of the disposal of the Contempt Petition, no orders are required to be passed in pending Civil Applications.

(MANGESH S. PATIL, J.)

(PRASANNA B. VARALE, J.)

...

vmk/-