

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

**CONTEMPT PETITION NO. 759 OF 2017
IN
WRIT PETITION NO. 11731 OF 2015**

Maruti Fakiraji Khamankar .. Petitioner

Versus

Sumit Mallik and another .. Respondents

Shri B. A. Darak, Advocate for the Petitioner.
Shri P. S. Patil, Addl.G.P. for the Respondent/State.

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVAL, JJ.
DATE : 08TH MARCH, 2018.**

FINAL ORDER :

. Mr. Darak, the learned counsel for the petitioner submits that, the respondents have not obeyed the order of this Court dated 08th March, 2016 in Writ Petition No. 11731 of 2015. According to the learned advocate, the Chief Secretary ought to have decided the representation and not the Deputy Secretary.

2. The learned counsel further submits that, the petitioner has claimed deemed date of seniority. The affidavit submitted by the Chief Secretary is based on wrong interpretation of provision, the Government Gazette and circular on seniority of overseers in

irrigation department.

3. We have heard the learned Additional Government Pleader for respondents.

4. This Court under order dated March 08, 2016 had considered the reply filed by the respondent No. 1 and observed that, in view of the undertaking by the State, the State shall consider representation tendered by the petitioner within prescribed time frame.

5. On 03rd December, 2016 the communication was made that the State has decided the representation of the petitioner and the grievance of the petitioner was negatived.

6. As the representation was already decided, there was no reason for the petitioner to file the contempt. If the petitioner is aggrieved by the order rejecting his representation, then the contempt petition would not be a remedy.

7. In fact, there was no contempt, when the representation was already decided. In view of the above, contempt petition is dismissed. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]