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

**CONTEMPT PETITION NO.747 OF 2018
IN
WRIT PETITION NO.6615 OF 2018**

Chandraprakash s/o Kailas Chavan,
Age: 35 years, Occu: Service as
Assistant Teacher (suspended),
At present working with the
Panchayat Samiti, Sillod,
Tal. Sillod, District Aurangabad

..PETITIONER

VERSUS

Smt. Pavneet Kaur,
The Chief Executive Officer,
Zilla Parishad, Aurangabad

..RESPONDENT

Mr S. B. Solanke, Advocate for petitioner;
Mr E. P. Sawant, Advocate for respondent

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

DATE : 4th December, 2018

ORAL ORDER:

Heard learned Counsel appearing on behalf of the petitioner.

2. By referring to the grievance of the petitioner, simple notice was issued to the respondent. Mr Sawant, learned Counsel appearing on behalf of respondent sought time to take instructions on earlier date. He invited our attention to the documents placed on record. It is submitted that by way of a communication dated 22-23/10/2018, the Counsel is informed about the compliance of the order of this Court and a copy of the order passed by

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the Chief Executive Officer, Zilla Parishad, Aurangabad is also placed on record. By the said order, the Chief Executive Officer, Zilla Parishad, Aurangabad reinstated the petitioner and the order states that for the other benefits, such as suspension allowance, etc., decision would be taken.

3. Learned Counsel for the petitioner raised grievance before this Court to submit that the order initially refers date 6th March, 2018, whereas said order is handed over to the petitioner on 12th September, 2018 and there are two dates on the order i.e. 6th March, 2018 and 12th September, 2018. As such, it was the submission of learned Counsel for the petitioner that there is no timely compliance of the order of this Court.

4. Mr Sawant submitted that the orders were passed considering the grievance of the petitioner but for an unforeseen situation which was beyond the control of the Chief Executive Officer, the effect is given to the order on 12th September, 2018. He then submitted before us that the communication was also placed before this Court to show inability of the Chief Executive Officer. Our attention is invited to the copy of the said communication dated 22-23/10/2018. Perusal of the communication shows that in the departmental inquiry against the petitioner, none of the charge was proved. The order for reinstatement of the petitioner was in the process but for the other process, namely, on-line process and in respect of transfer of the teachers was taken at the State Government level and the vacant position was blocked. As such, the Chief Executive Officer was unable to proceed

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further in the matter. Accordingly, the statement was made before this Court that within a month, the necessary steps would be taken. Mr Sawant submitted that in view of the statement, immediately the order dated 6th March, 2018 was given effect on 12th September, 2018. As such, there is compliance of the order of this Court in letter and spirit.

5. Learned Counsel for the petitioner then made a grievance of a statement in the order that there is no specification of a period insofar as the other benefits are concerned. Mr Sawant, learned Counsel for respondent, on instructions from the officer, who is present in this Court fairly made a statement before us that the authority would consider the aspect of other benefits, such as, salary and suspension allowance, etc. as expeditiously as possible, without there being unnecessary delay in the matter. We accept the statement made by Mr Sawant, learned Counsel before this Court.

6. Considering all the aforesaid facts, in our opinion, the order of this Court is complied with in letter and spirit and the grievance of the petitioner is redressed now and nothing remains in the contempt petition. As such, the contempt petition is disposed of accordingly.

(MANGESH S. PATIL, J.)

(PRASANNA B. VARALE, J.)

sjk