

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

CONTEMPT PETITION NO. 729 OF 2017
IN
WRIT PETITION NO.8925 OF 2015

BALU TULSHIRAM TAYADE
VERSUS
THE CHIEF EXECUTIVE OFFICER AND OTHERS

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Advocate for the Petitioner : Shri Dnyaneshwar Pawar h/f Shri Sant Kishor C..

Advocate for Respondents 1 and 2 : Shri Maheshkumar S. Sonawane.

AGP for Respondent 5 : Shri B.A.Shinde.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 08th June, 2018

Per Court:

1 The learned Advocate for Respondent Nos.1 and 2 tenders a bunch of papers, which are annexed to the communication addressed to him dated 07.06.2018 by the present Chief Executive Officer, Zilla Parishad, Jalgaon. Based on the said documents, it is stated as under :-

- (a) The judgment of this Court at issue is dated 27.02.2017.
- (b) By 27.04.2017, the Chief Executive Officer, Zilla Parishad, Jalgaon had to forward the proposal, which he did not forward.

- (c) The Chief Executive Officer moved an application for seeking extension of time till 30.06.2017.
- (d) The proposal was moved on 06.06.2017.
- (e) The Government took the policy decision on 18.12.2017.
- (f) The said decision was implemented on 31.03.2018 and the amount of Rs.75,915/- towards the difference in pay scale was deposited in the account of the Petitioner.
- (g) The delay in sending the proposal was caused when Respondent No.1 (Shri Kaustubh Divegaonkar) was the Chief Executive Officer and the delay in implementing the policy decision of the Government was caused when Shri Shivaji Divekar was the Chief Executive Officer.

2 The learned Advocate for the Petitioner submits that the difference in payments as per the pay scale is wrongly calculated at Rs.75,915/- and the said amount should be much more than that. He, therefore, submits that though this Contempt Petition can be disposed of, costs may be imposed on the two Chief Executive Officers named above and the said amount be donated to a humane cause.

3 When called upon as to whether, the Petitioner would prefer a detailed representation calculating the difference of unpaid salary, the Petitioner is agreeable with a request that the appropriate authority

should consider his representation expeditiously and within eight weeks.

4 Considering the above and the apology tendered by Shri Kaustubh Divegaonkar in his affidavit dated 19.01.2018, this Contempt Petition is disposed of with the following directions :-

- (a) Shri Kaustubh Divegaonkar shall donate an amount of Rs.2500/- (Rupees Two Thousand Five Hundred) from his personal account, to the Ghati Hospital, Aurangabad (Government Medical College and Hospital, Aurangabad) on or before 13.07.2018 and shall report compliance of the same by placing the copy of receipt of such deposit before the Registrar (Judicial) of this Court on or before 31.07.2018.
- (b) The Petitioner would be at liberty to prepare a representation calculating his unpaid salary, excluding Rs.75,915/-, that have been credited to his account and the same would be submitted to the Chief Executive Officer, Zilla Parishad, Jalgaon, within eight weeks from today.
- (c) The Chief Executive Officer, Jalgaon would adopt appropriate steps for considering such representation and would pass a reasoned order in the event the representation is to be rejected, within eight weeks from the date of receipt of such representation.
- (d) Needless to state, if any amount is admissible pursuant to the

representation, the same shall be paid to the Petitioner expeditiously.

- (e) Despite the above, if any grievance of the Petitioner survives, he would be at liberty to resort to an appropriate remedy as would be permissible in law.
- (f) No order is passed regarding costs, against the Chief Executive Officer Shri Shivaji Divekar as he is not impleaded as a respondent.

kps

(RAVINDRA V. GHUGE, J.)