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

**CONTEMPT PETITION NO.361 OF 2019
IN
WRIT PETITION NO.2800 OF 2018**

1. Bansilal S/o Harishchandra Tarte,
Age: 55 Years, Occ.Sweeper,
R/o Rohidas Nagar, Mukundwadi,
Aurangabad, Tq. & Dist. Aurangabad
2. Laxman S/o Piraji Mundphale,
Age: Major, Occu. Sweeper,
R/o Barbada, Tq.Biloli, Dist. Nanded
3. Anita W/o Dayanand Damodar,
Age: 32 years, Occ.Sweeper,
R/o Gautam Nagar, Killa Road,
Nanded, Tq. & Dist. Nanded
4. Khaja Pasha Chotemiya,
Age: Major, Occ. Sweeper,
R/o Nallatta Chaul, Opp.Police
Head Quarter, Nanded,
Tq. & Dist. Nanded
5. Abdul Hamid s/o Abdul Majid,
Age: Major, Occ.Sweeper,
R/o Chaupal, Laxmi Nagar,
Nanded, Tq. & Dist. Nanded

..PETITIONERS

VERSUS

1. S.K. Shrivastava,
Additional Chief Secretary,
Home Department,
Mantralaya, Mumbai-32
Maharashtra
2. Subodh Kumar Jaiswal
The Director General of Police,
Director General Office Shahid Bhagat Singh
Marg, Colaba, Mumbai-05
Maharashtra

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3. Chiranjiv Prasad,
Commissioner of Police,
Police Commissionerate, Aurangabad,
Tq. & Dist. Aurangabad
4. Prakash Mutyal,
The inspector General of Police,
Nanded Range, Nanded,
Tq. & Dist. Nanded
5. Sanjay Jadhav,
The Superintendent of Police,
S.P. Office Nanded,
Tq. & Dist. Nanded

..RESPONDENTS

Ms. J. S. Aute, Advocate h/f Mr P.V. Suryawanshi, Advocate for
Petitioners;

Mr S. P. Sonpawale, A.G.P. for respondents - State

**CORAM : PRASANNA B. VARALE
AND
ANIL S. KILOR, JJ.**

DATE : 6th December, 2019

ORAL ORDER:

Heard learned Counsel appearing on behalf of the petitioners.

2. On a grievance that the order of this Court, dated 15th March, 2018, passed in Writ Petition No.2800 of 2018 is not complied with, the present contempt petition was filed.

3. Simple notice was issued to the respondents by an order dated 12th June, 2019. The Division Bench directed respondents and more particularly respondent No.5 - Superintendent of Police, Nanded to

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make a positive statement before this Court to show the compliance of the order of this Court and in response to the order of this Court, affidavit-in-reply is filed on behalf of respondent No.5 by Mr Vijaykumar Magar, Superintendent of Police, Nanded firstly on 2nd October, 2019 and then there is also an affidavit-in-reply on behalf of respondent No.3 - Mr Chiranjeev Prasad, Commissioner of Police, Aurangabad. On perusal of these replies, we are of the opinion that the order of this Court is duly complied with. It may not be out of place to state here that the Division Bench of this Court disposed of the Writ Petition No.2800 of 2018 with directions to the respondents to comply the order passed by the Maharashtra Administrative Tribunal and to pay the difference of wages to the applicants, if not paid already, within stipulated period of four months from the date of the order. It seems that there is some delay in compliance of the order and then explanation is provided in the affidavit-in-reply along with unconditional apology. The apology tendered to this Court is accepted.

4. The affidavit-in-reply filed on behalf of Superintendent of Police, Nanded refers to the order dated 27th September, 2019, placed on record at 'R-3', wherein the details are submitted in the tabular form in respect of the amount due and payable to the petitioner Nos.2 to 5 i.e Laxman Piraji Mundphale, Anita Dayanand Damodar, Khaja Pasha Chotemiya and Abdul Hamid Abdul Majid. It is stated that this

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amount due and payable to the petitioners is the amount of arrears of an honorarium to be paid to these petitioners for the period from 28th September, 2010 to 31st March, 2015 i.e. pending for 54 months and two days. It is also stated that the amount be disbursed immediately from the police welfare fund and on receipt of regular disbursement, the said amount be transferred in the account of police welfare fund. This fact clearly shows that now there is a positive compliance of the order of this Court. Insofar as petitioner No.1 - Bansilal Harishchandra Tarte is concerned, it is already stated in the affidavit-in-reply submitted before this Court on behalf of respondent No.3 - Mr Chiranjeev Prasad, Commissioner of Police, Aurangabad, alongwith the order dated 2nd August, 2019, copy of the which is placed on record at annexure 'R-2' - wherein the details of petitioner No.1 are mentioned. Copy of the cheque issued in favour of petitioner No.1 - Bansilal Harishchandra Tarte, referring to the amount of Rs. 1,26,020/- is also placed on record.

5. Learned Counsel for the petitioners made an attempt to submit before this Court that the amount so directed to be disbursed to the petitioners is lesser than the claim of the petitioners.

6. We are unable to consider such a grievance in the limited scope of the contempt petition. Accordingly, as the order of this Court is

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now duly complied with, the grievance of the petitioners insofar as the present contempt petition is concerned no more survives. In case, the petitioners are having any grievance on quantification of the amount, they are at liberty to avail appropriate remedies, if so available under the provisions of law, by approaching the competent forum including judicial forum.

With the aforesaid directions and liberty, the contempt petition is disposed of accordingly.

(ANIL S. KILOR, J.)

(PRASANNA B. VARALE, J.)

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