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

**CONTEMPT PETITION NO.342 OF 2018
IN
WRIT PETITION NO.11587 OF 2016**

Dhondiram s/o Baburao Kadam,
Age: 79 years, Occu: Pensioner,
R/o. Chinchpur Road, Opp. Devi Mandir,
Pathardi, Dist. Ahmednagar

..PETITIONER

VERSUS

1. Mr. Shri. J. R. Suryawanshi,
the Senior Auditor,
Audit & Pay Verification Unit,
Education Department,
Ahmednagar

2. Mr. Shri. Laxman Pole,
the Education Officer (Secondary),
Zilla Parishad, Ahmednagar,
Dist. Ahmednagar

3. Mr. Shri. Deepak D. Garje,
the Head Master,
New English School,
Jr. College Arts, Koradgaon,
Tq. Pathardi, Dist. Ahmednagar

..RESPONDENTS

Mr S. S. Wagh, Advocate for petitioner;
Mrs M. A. Deshpande , A.G.P. for respondent /State

**CORAM : PRASANNA B. VARALE
AND
S. M. GAVHANE, JJ.**

DATE : 10th January, 2019

ORAL ORDER:

Heard learned Counsel appearing on behalf of the petitioner.

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2. In view of the grievance raised in the petition that the respondents failed to comply the order of this Court, by an order dated 6th June, 2018, a simple notice was issued to respondent No.2 i.e Shri. Laxman Pole, Education Officer (Secondary), Zilla Parishad, Ahmednagar. In response to the notice, the affidavit-in-reply is filed on behalf of respondent No.2.

3. The Division Bench of this Court, in the order dated 27th September, 2017, passed in Writ Petition No.11587 of 2016 referred to the factual aspect, namely, the Deputy Director of Education has already undertook the exercise of pay fixation of the petitioner but respondent No.4 in the writ petition has failed to implement the order. Accordingly, by clause-3 of the said order, the Division Bench observed that considering the fact that the Deputy Director of Education has already fixed the pay scale applicable to the petitioner as per his order dated 1st January, 2016 (Pages 17 to 20 of writ petition), respondent No.4 and such authority shall implement the same and give the benefit to the petitioner expeditiously, preferably within three months.

4. It is stated in the affidavit-in-reply filed on behalf of respondent No.2 that though there is some delay, the order of this Court is complied with and the benefits are given to the petitioner, to which he was held entitled by an order dated 1st January, 2016, by the Deputy Director of Education. The annexure to the affidavit-in-reply i.e. Exh. 'R-1' shows that there is a

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reference to the order of the Deputy Director of Education, dated 1st January, 2016 and the entitlement of the petitioner is shown under the various heads including the pay scale and the entitlements for special pay, the benefits of salary under the 3rd Pay Commission, 4th Pay Commission and 5th Pay Commission and senior scale, etc. Exh. 'R-1' is not only in consonance with the order dated 1st January, 2016 of the Deputy Director of Education but it also refers to certain other benefits, which are not in the order of the Deputy Director of Education, dated 1st January, 2016.

5. In view of aforesaid facts, we have no hesitation to say that the order of this Court is complied with. Though learned Counsel for the petitioner made a grievance before us submitting that the quantification arrived at, in the process of revision by the authority, is not as per the expectation of the petitioner, we are unable to accept this submission for the simple reason that this would be expanding the scope of the contempt petition and the petitioner is at liberty to avail appropriate remedies, if he is aggrieved by non grant of some benefits, which are beyond the scope of the earlier petition or if it is the grievance of the petitioner that there is an erroneous quantification of the amount.

With the aforesaid observations, contempt` petition is disposed of.

(S. M. GAVHANE, J.)

(PRASANNA B. VARALE, J.)

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