

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

**CONTEMPT PETITION NO.320 OF 2018
IN
WRIT PETITION NO.1675 OF 2017**

Nizamoddin s/o. Abdul Wahed,
Age: 62 years, Occ : Pensioner
R/o. Mohalla Pethdarwaza, Udgir,
Tq.Udgir, Dist. Latur. **.. PETITIONER**

VERSUS

1. Smt.Manisha Patankar-Mhaiskar
Principal Secretary,
Urban Development Department,
Mantralaya, Mumbai-32.
 2. Shri. Prushotam Bhapkar
Divisional Commissioner and
the Regional Director,
Municipal Administration
Aurangabad Division, Aurangabad.
 3. Shri G. Shreekant
District Collector
Collector Office, Latur.
 4. Nitin Gulabrao Kapadnis
Asstt. Commissioner
Municipal Corporation
Pimpri Chinchwad, Dist.Pune
- ..RESPONDENTS**

**WITH
CONTEMPT PETITION NO.323 OF 2018
IN
WRIT PETITION NO.8658 OF 2016**

Suresh s/o. Ganpati Madle,
Age: 60 years, Occ : Pensioner
R/o. Mhada Colony, Jalkot road Udgir
Tq.Udgir, Dist. Latur. .. **PETITIONER**

VERSUS

1. Smt.Manisha Patankar-Mhaiskar
Principal Secretary,
Urban Development Department,
Mantralaya, Mumbai-32.
2. Shri. Prushotam Bhapkar
Divisional Commissioner and
the Regional Director,
Municipal Administration
Aurangabad Division, Aurangabad.
3. Shri G. Shreekant
District Collector
Collector Office, Latur.
4. Nitin Gulabrao Kapadnis
Asstt. Commissioner
Municipal Corporation
Pimpri-Chinchwad, Dist.Pune
.. **RESPONDENTS**

WITH
CONTEMPT PETITION NO.324 OF 2018
IN
WRIT PETITION NO.1675 OF 2017

Ramesh s/o. Mareppa Parkhe,
Age: 60 years, Occ : Pensioner
R/o. Kile Galli, Udgir,
Tq.Udgir, Dist. Latur. .. **PETITIONER**

VERSUS

1. Smt.Manisha Patankar-Mhaiskar
Principal Secretary,
Urban Development Department,
Mantralaya, Mumbai-32.
2. Shri. Prushotam Bhapkar
Divisional Commissioner and
the Regional Director,
Municipal Administration
Aurangabad Division, Aurangabad.
3. Shri G. Shreekant
District Collector
Collector Office, Latur.
4. Nitin Gulabrao Kapadnis
Asstt. Commissioner
Municipal Corporation
Pimpri Chinchwad, Dist.Pune (M.S.)

..RESPONDENTS

...
Mr.M.S.Chaudhari, Advocate for the
petitioners in all three Contempt Petitions.
Mr.P.V.Barde, Advocate for respondent no.4 in
all three Contempt Petitions.

...

**CORAM : PRASANNA B.VARALE &
R.G.AVACHAT, JJ.**

DATE : 13.06.2019

PER COURT:

1] This Court, in its detailed order
dated 3rd January, 2019, recorded contentions
raised by the petitioners and counter

submissions reflected in the affidavit in reply filed before this Court on behalf of the respondent – Municipal Council, Udgir. This Court also recorded its reservation in so far as locus of these petitioners are concerned. This Court permitted the petitioners to file affidavit. Accordingly, the affidavits are filed on behalf of these petitioners stating that these petitioners are not members of the Union.

2] Today, Mr.P.V.Barde, learned counsel for respondent no.4 made a statement before us that in so far as these three petitioners are concerned, Mr.Nizamoddin Abdul Wahed in Contempt Petition No.320 of 2018 stood retired on 31.03.2015. The amount payable to Mr.Nizamoddin Abdul Wahed was Rs.8,10,124/- and the total amount of Rs.8,10,824/- is paid to Mr.Nizamoddin Abdul Wahed. Mr.Suresh Ganpati Madle in Contempt Petition No. 323/2018 stood retired on 02.08.2010. The

amount payable to Mr.Suresh Ganpati Madle was Rs.5,02,006/- and the total amount to the tune of Rs.5,02,006/- is paid to Mr.Suresh Ganpati Madle. Similarly, Mr.Ramesh Mareppa Parkhe in Contempt Petition No.324/2018 stood retired on 31.12.2014. The amount payable was Rs.8,90,588/- and the total amount to the tune of Rs.8,90,588/- is paid to the petitioner, namely, Ramesh Mareppa Parkhe. Mr.Barde, learned counsel for respondent no.4 – Municipal Council, Udgir, on instructions from the Chief Executive Officer of Municipal Council, Udgir, makes a statement before this Court that the Chief Executive Officer of Municipal Council is ready to reconcile the aspect of the payment to these three petitioners, in case the petitioners attend the office of the Chief Executive Officer with a representation / statement disclosing the figures of an unpaid amount as per the submission of these petitioners.

3] On receipt of representation / application, the Chief Executive Officer on verification of the record and accounts, would take appropriate decision within stipulated period of four weeks. In case, the submission made before the Chief Executive Officer of the Municipal Council in respect of the amount due and payable to these three petitioners, namely, Nizamoddin s/o.Abdul Wahed; Suresh s/o. Ganpati Madle and Ramesh s/o. Mareppa Parkhe, is found in consonance with the record, such an unpaid amount would be disbursed to these three petitioners expeditiously within two weeks thereafter.

4] Mr.M.S.Chaudhari, learned counsel appearing for the petitioners was then apprised with the statement made before this Court in respect of these three petitioners. Mr.M.S.Chaudhari, learned counsel, on seeking his response, submitted before this Court

that the petitioners are ready to undertake exercise as suggested by the learned counsel Mr.Barde appearing for the Chief Executive Officer, Municipal Council, Udgir. Mr.M.S.Chaudhari then submitted that these three petitioners namely, Nizamoddin s/o.Abdul Wahed; Suresh s/o. Ganpati Madle and Ramesh s/o. Mareppa Parkhe would attend the office of the Chief Executive Officer by accepting this statement made before this Court on behalf of the Chief Executive Officer, Municipal Council, Udgir.

5] We direct the Chief Executive Officer, Municipal Council, Udgir to take steps as per the statement made before this Court and the order passed by this Court to that effect. As the petitioners have shown their willingness to undertake the exercise as per the suggestion as referred above, without going into any other controversy as to whether these petitioners are the members

of the Union or otherwise, we deem it appropriate to dispose of these Contempt Petitions, accepting the statement made before this Court on behalf of the Chief Officer, Municipal Council, Udgir, as an undertaking. Accordingly, these Contempt Petitions are disposed of.

[R.G.AVACHAT, J.]

[PRASANNA B.VARALE, J.]

DDC