

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

**CONT. PETITION NO.364 OF 2017
IN WP/7186/2015**

**RAGHO GOVINDA RAUT
VERSUS
SHANKAR VITTHAL TOTAWAD AND OTHERS**

Mr.Vijay Vasantao Deshmukh, Advocate for the
petitioner
Mrs.R.P.Gaur, AGP for the respondent/State

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

DATED : 08.02.2019

P.C. :-

. Heard learned counsel for the petitioner.

2. As the grievance raised in this petition is that the order of this Court dated 12.02.2016 in Writ Petition No.7186/2015 is not complied with, the present contempt petition is filed. The notice was issued by the Division Bench of this Court on 16.06.2017. The petitioner was permitted to add State Government as a formal party. Learned counsel for the petitioner today prayed for deletion of respondent No.2 on the ground that the affidavit-in-reply is filed in this Court on behalf of respondent No.1 through Executive Engineer, PWD, Division

Bhokar, Dist. Nanded.

3. Learned AGP submitted that an officer Mr.V.K.Dhawane from the Office of Divisional Commissioner is present in this Court having some concrete instructions. Learned AGP is having instructions through the Officer who is present in this Court. Learned AGP had stated that she be permitted to file affidavit-in-reply. Learned AGP supplied the copy of affidavit-in-reply on behalf of respondent No.1 across the bar to the learned counsel for the petitioner.

4. Considering this fact, we are inclined to dispose the petition with permission to the petitioner to delete respondent No.2.

5. The Division Bench of this Court had directed the respondents to verify the record and take decision about unpaid salary from the Month of July-2011, as expeditiously as possible within three months from the date of order of this Court.

6. The petitioner approached the authorities by way of application and reminders. In response to

the notice, affidavit is filed on behalf of respondent No.1 and it is stated that there is some delay in compliance of the order of this Court and tendered his unconditional apology to this Court for delay. Then it is stated that the Office of the deponent established contact with the Employment Guarantee Scheme Branch, Office of the Collectorate, Nanded. Exchange of communication is placed on record alongwith affidavit-in-reply. The last communication or the latest communication is of 24.08.2017. Perusal of the copy of this communication shows that the petitioner was informed that the matter is pending with the Office of the Collector and then he was informed to persuade the authority, though we are not very happy with approach of the authority informing the petitioner himself to persuade the matter with some other Government Office when there are specific directions of this Court to the respondents to do needful for payment of unpaid salary of the petitioner.

7. Considering the statement made before us through officer Mr.V.K.Dhawane from the Office of Divisional Commissioner on instructions from the office of the Commissioner Office, Aurangabad that

the Collector Office, Nanded will take immediate steps to comply the order of this Court and release unpaid salary of petitioner within two weeks. It is also stated before us that an exercise would be concluded within two weeks. By accepting the statement made in affidavit-in-reply that the deponent is expressing his unconditional apology for the delay and then accepting the statement that needful exercise would be concluded within two weeks is undertaking giving to this Court, we dispose this petition.

8. Accordingly, the contempt petition is disposed of.

[S.M.GAVHANE,J.]

[PRASANNA B. VARALE, J.]