

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

**CONTEMPT PETITION NO. 56 OF 2019
IN
WRIT PETITION NO. 10049 OF 2012**

Pankaj Muralidhar Wankhede

..PETITIONER

VERSUS

State of Maharashtra and Others

..RESPONDENTS

....

Mr. A.G. Talhar, Advocate for petitioner

Mrs. G.L. Deshpande, A.G.P. for respondent – State

Mr. S.R. Patil, Advocate for respondent nos. 6 and 7

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**CORAM : P.B. VARALE AND
R.G. AVACHAT, JJ.
DATED : 18th JULY, 2019**

PER COURT :

Heard learned Counsel for petitioner and Respondent Nos. 6 and 7.

2. By order dated 28th January, 2019, simple notice was issued to Respondent Nos. 6 and 7 on the grievance raised in the present contempt petition. In response to notice, affidavit-in-reply is filed on behalf of Respondent Nos. 6 and 7 i.e. Shrikant Lalji Patil, Head Master of New English High School, Bhalod, Tq. Yawal, Dist. Jalgaon and Mr. Dilip Hari Chaudhari, Chairman of Secondary Education Society, New English and Junior College, Bhalod, Tq. Yawal, Dist. Jalgaon.

3. Our attention was invited to appointment order dated 09th April, 2019 placed on record at Exhibit 'R-4'. Perusal of the said order shows that petitioner is now appointed on the post of Peon subject to other conditions referred to in the order of appointment of petitioner for a period of three years i.e. from 03rd April, 2019 to 02nd April, 2022. It is the submission of Mr. Talhar, learned Counsel for petitioner that Division Bench of this Court by order dated 05th December, 2013 allowed writ petition and directed Respondent Nos. 6 and 7 to issue letter of appointment in favour of petitioner within stipulated period of 12 weeks from the date of order and after much lapse of period, now the appointment order is issued. As such, respondents to be directed to treat appointment of petitioner by giving a notional date i.e. within stipulation of time period.

4. Per contra, learned Counsel for Respondent Nos. 6 and 7 submits that there is no willful and intentional disobedience of the order of this Court and respondents were only availing the legal remedy by approaching the competent forums including the Apex Court and this Court by preferring special leave petition and review application.

5. By inviting our attention, learned Counsel for petitioner submitted that recently order is passed in review application on 02nd April, 2019. On perusal of material placed on record, it reveals that special leave petition was

decided by Apex Court on 28th March, 2014 and the review application, though was filed in 2014, was not even circulated for a considerable period and on 02nd April, 2019, learned Counsel for applicant prayed for withdrawal of review application. Review application was allowed to withdraw.

6. Considering this fact, we deem it appropriate to direct Respondent Nos. 6 and 7 that whenever Respondent Nos. 6 and 7 submits the proposal to the education authorities for other benefits, apart from salary for the period of 2014 to 2019, appointment date of petitioner be treated as notional date from June 2014. We make it clear that Respondent Nos. 6 and 7 are not facing with burden of salary for the said period i.e. June 2014 till date of appointment, but petitioner would be entitled to claim other benefits.

7. With these observations, as now the purpose of approaching this Court is duly served, contempt petition is disposed of.

(R.G. AVACHAT, J.)

(P.B. VARALE, J.)

SSD