

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

CONTEMPT PETITION NO.872 OF 2018 IN
WRIT PETITION NO.8535 OF 2011

Rameshchand s/o Chaturbhuj Sethi
and another ... PETITIONERS

VERSUS

The State of Maharashtra & others ... RESPONDENTS

.....
Shri N.K. Chaudhari, Advocate for petitioners
Mrs. G.L. Deshpande, A.G.P. for State
Shri H.K. Munde, Advocate for respondent No.5
.....

CORAM: PRASANNA B. VARALE AND
R.G. AVACHAT, JJ.

DATED : 14th AUGUST, 2019.

ORAL ORDER :

Heard Mr. Chaudhari, learned counsel for the petitioner.
By expressing displeasure for the non-responsive approach by the
respondent authority, the simple notice was issued to respondent
No.3 Divisional Commissioner, vide order dated 18/7/2019.

2. An affidavit-in-reply is filed by the respondent No.2 -
Commissioner & Director, Directorate of Municipal Administration,

Mumbai. It is submitted in the affidavit-in-reply that, the proposal submitted through the Chief Officer, Municipal Council, Jalna was received by the respondent No.2 and in turn, the respondent No.2 communicated the Chief Officer, Municipal Council, Jalna to take appropriate action in view of the order of this Court, dated 13/11/2017 and to pay increments and pensionary benefits by counting five years initial service which was not counted due to the order dated 7/7/2004. A copy of the communication dated 3/8/2019 forwarded to the Chief Officer is also placed on record at Annexure R-2-I. The respondent No.2 further stated in the affidavit-in-reply that *"I again tender my unconditional apology. This respondent has utmost respect for the Hon'ble Court and duty bound to obey the orders of Hon'ble Court."*

3. The unconditional apology tendered by the respondent No.2 is accepted. The learned counsel Mr. Munde appearing for respondent No.5 – Shri Santosh Mahadeorao Khandekar, who was occupying the position as Chief Officer, Municipal Council, Jalna, and recently has been transferred to some other place, submitted that, though before this Court only two petitioners are approaching, there are other similarly circumstanced employees and the Municipal Council, Jalna would comply the order of this Court not only in respect of the petitioners but also other similarly circumstanced

employees, as early as possible, and not later than four months from today. The statement made on behalf of the respondent No.5 is accepted as an undertaking to this Court. Mr. Chaudhari, learned counsel appearing for the petitioner fairly submitted that, as the petitioners have waited for some period, they would wait for some more period as requested by the respondent No.5.

4. In view of the above referred facts, the grievance of the petitioner is now addressed and redressed and same no more survives. Accordingly, the Contempt Petition is disposed of.

(R.G. AVACHAT)
JUDGE

(PRASANNA B. VARALE)
JUDGE

fmp/-