

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

*Amk*

CONTEMPT PETITION NO. 117 OF 2010  
IN  
WRIT PETITION NO. 6468 OF 2008

Shri Sahebrao Vitthal Bali

.. Petitioner

Vs.

Shri Anand Sureshchandra  
Sulakhe & Ors.

.. Respondents

Mr. D. W. Bhosale for the Petitioner.

Mr. Vinayak Kumbhar i/b Mr. N. V. Bandiwadekar for Respondent No.3.

Mr. M. M. Pabale, AGP for Respondent No.4.

**CORAM : PRADEEP NANDRAJOG, C.J. &  
N. M. JAMDAR, J.**

**DATE : 24<sup>th</sup> JULY, 2019.**

**P. C. :**

1. Heard learned Counsel for the parties.
2. The Petitioner in the Contempt Petition was 1st Respondent in Writ Petition No. 6468 of 2008 filed by the society which had established the school being Respondent Nos.1 and 2 in the Contempt Petition. The Writ Petition was disposed of directing the society and the school to make payment of wages to the 1st Respondent and submit the bill for reimbursement to the Education Department, Zilla Parishad, Solapur. The society and the school proceeded to pay the amount payable towards the salary to the Petitioner and while doing so, gave

him the benefit of Grade Pay in a sum of ₹ 4300/- as against Petitioner's claim of Grade Pay of ₹ 4400/-.

3. The Education Officer passed an order on 08.02.2012 directing the Petitioner to be given Grade Pay of ₹ 4400/- and not ₹ 4300/-. This requires the society and the school to recalculate the amount payable to the Petitioner for the reason the difference of Grade Pay would impact dearness allowance and other allowances payable as well.

4. Thus, we dispose of the Contempt Petition directing Respondent Nos.1 and 2 to recalculate the amount payable to the Petitioner and while doing so treat him as entitled Grade Pay of ₹ 4400/-. Needless to state after placing the Petitioner in the applicable Pay Band and granting him benefit of Grade Pay of ₹4400/-, arrears would be calculated and paid. Noting that the Petitioner has been superannuated from service w.e.f. 01.05.2019, the pension would also be revised accordingly and arrears would be paid. At the first instance the society and the school would pay the amount to the Petitioner and submit the bill for reimbursement to the Education Department. Needless to state the Education Department would reimburse the amount keeping in view the order dated 08.02.2012 passed by the Education Officer.

5. Compliance would be made within six weeks.

[N. M. JAMDAR, J.]

[CHIEF JUSTICE]