

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

CONTEMPT PETITION NO.68/2019 IN
WRIT PETITION NO.1022/2017(d)

Rajaram Narayanrao Vithalkar

Vs.

Shri P.Velarasu, Member Secretary, Maharashtra Jeevan Pradhikaran, and others.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri P.D.Meghe, Advocate for petitioner.
Shri D.M.Kakani, Advocate for respondent no.1.
Mrs. Sangeeta Jachak, Assistant Government Pleader for respondent nos.2 to 4

CORAM :- A.S.CHANDURKAR AND N.B.SURYAWANSHI, JJ.
DATED :- JANUARY 12, 2021.

The grievance of the petitioner relates to non-compliance of the order dated 19.09.2018 passed in Writ Petition No.1022/2017. By the said order the respondent no.4 therein/present respondent no.1 was directed to clear the arrears payable to the employees of the Maharashtra Jeevan Pradhikaran (for short, 'Pradhikaran') within a period of four months from the date of that order.

Shri P. D. Meghe, learned counsel for the petitioner submits that the petitioner is entitled to receive the arrears of dearness allowance as well as transport allowance and the Assured Career Progressive Scheme ought to be made applicable to the employees of the Pradhikaran. He submits that insofar as the arrears of dearness allowance are concerned, the same have been cleared in August, 2020. According to the learned counsel the arrears of transport allowance and application of the Assured Career Progressive Scheme to the employees of the Pradhikaran have not been implemented.

Shri D.M.Kakani, learned counsel for the respondent no.1 submits that insofar as the payment of transport allowance is concerned, the issue as regards entitlement of the employees of the Pradhikaran is pending with the State Government as indicated in the affidavit filed on behalf of the respondent no.1. This position is also clarified in the affidavit filed by the Principal Secretary, Department of Water Supply and Sanitation. Insofar as applicability of the Assured Career Progressive Scheme is concerned, the State Government has refused to make the same applicable to the employees of the Pradhikaran. Reference is made to the communication dated 23.02.2020 in that regard.

The order passed in Writ Petition No.1022/2017 merely directs the Pradhikaran to clear arrears of its employees. This direction contemplates clearing arrears of emoluments, entitlement of which is already determined and which the employees of the Pradhikaran have a right to receive. In the light of the fact that the proposal with regard to grant of transport allowance to employees of the Pradhikaran is pending with the State Government and the request made to apply the Assured Career Progressive Scheme to the employees of the Pradhikaran having been rejected, nothing remains to be complied with. The petitioner is free to adopt such steps as are permissible in law, if he seeks entitlement to transport allowance as well as implementation of the Assured Career Progressive Scheme. The contempt petition is disposed of.

JUDGE

JUDGE