

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

CONTEMPT PETITION NO. 190/2020 IN
WRIT PETITION NO. 4835/2017 (pending)

Homeguard Vikas Samiti, through its State President, Shri Pramod Y.Telang & anr.
Vs.

State of Maharashtra through its Principal Secretary, Shri Vinit Agrawal, Dept. of
Home Affairs, and anr.

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

Court's or Judge's Order

Shri Mrigendra Singh, Senior Advocate with Shri R.P .Masurkar, Advocate for
petitioner.

Shri G.A.Kunte, Advocate for respondent nos. 1 and 2.

CORAM :- A.S.CHANDURKAR AND PUSHPA V. GANEDIWALA, JJ.
DATED :- FEBRUARY 25, 2021.

It is the grievance of the petitioner that the order dated 10.12.2019 to the extent quoted hereinbelow has not been complied with this amounting to commission of civil contempt on the part of the respondents. Paragraph nos. 2 to 4 of the said order reads as under :

“2. It is not in dispute that the pay of Home-guards is brought on par with the minimum pay of the Police Constables as per the recommendations of the Sixth Pay Commission in the scale of Rs.5200-2020. In the same fashion the pay has to be brought on par with those of the Police Constables in the minimum scale of Rs.21,700-69,100. It is for taking the decision on this aspect of the matter the time was granted and extended.

3. We wanted the Government to make a positive statement before us giving the specific period during

which such a decision can be taken. Upon taking instructions and receiving the communication dated 10.12.2019 from the Desk Officer, the Department of Home Ministry, State Government stating therein that approximately period of six months would be required to take such decision. We, therefore, grant the period of six months time to the State Government to take such decision in the matter.

4. Such time is being granted and extended for taking decision from time to time and we think that if during the further period of six months from today such decision is not taken then each of the employees will have to be paid extra amount of Rs.500/- per month with effect from 02.08.2019 till the date of taking of such decision by the State Government.”

In response to the notice issued in the contempt petition, the respondents have filed an affidavit stating therein that on 26.08.2020 a decision has been taken by the State Government not to extend the benefits admissible under the Seventh Pay Commission to the Homeguards in the light of the prevailing pandemic situation. This decision has been communicated in the letter dated 16.09.2020 to the Commandant General, Home Guard, Maharashtra State, Mumbai. In addition, an affidavit in that regard has been filed by the respondent no.1.

Shri Mrigendra Singh, learned Senior Advocate for the petitioner submits that the order dated 10.12.2019 required the respondents to bring the Homeguards on par with the Police Constables by applying minimum scale of Rs.21,700-69,100. By furnishing specious reasons this relief has been denied.

On the other hand, Shri G.A.Kunte, learned counsel for the respondents submits that in the light of the decision dated 26.08.2020 taken by the Government the directions issued on 10.12.2019 stand complied with. The order dated 10.12.2019 clearly indicates that time of six months was granted to the respondents to take a decision with a view to bring pay of the Home Guards on par with the minimum pay of the Police Constables.

Considering the fact that such decision has now been taken expressing inability to make the same scale applicable in the light of the pandemic situation, the directions issued in the order dated 10.12.2019 stand complied with. We do not find any deliberate disobedience on the part of the respondents in complying with the said directions.

Needless to state that the petitioners if aggrieved by the aforesaid decision are free to take legal redress against the same in accordance with law.

The contempt petition is disposed of.

JUDGE

JUDGE

Andurkar.