

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

**912 CONT. PETITION NO.173 OF 2021
IN WP/447/2019**

**NARAYAN MARUTI MASKE
VERSUS
ABHINAV GOYAL EXESTING C E O**

Mr.S.K. Mathpati, Advocate for the petitioner.
Mr.PR. Tandale, Advocate for respondent No.1.

**CORAM : RAVINDRA V. GHUGE &
ANIL L. PANSARE, JJ.
DATED : 17.06.2022**

PC :-

01. This Court had passed an order dated 29.08.2019 in Writ Petition No.447 of 2019 filed by the present petitioner. In a short order, this Court concluded that the Government Resolution dated 04.09.2018 cannot have a retrospective effect. The recovery made shall be refunded.

02. The learned Advocate for the petitioner submits that the refund amount is Rs.1,39,539/- as in August, 2019. He further submits that in similar circumstances the Zilla Parishad, Nashik had approached the Hon'ble Supreme Court in Special Leave to Appeal No.19730 of 2021. The Hon'ble Apex Court has passed following order :-

“Upon hearing the counsel the Court made the following

O R D E R

It is not in dispute that, prior to 04.09.2018, the District Awardees were entitled to get the additional increment. It was only pursuant to the Circular dated 04.09.2018, the District Awardees were not entitled to get the additional increment. Therefore, for the period prior to 04.09.2018, the District Awardees were entitled to get the additional increment and, therefore, no error has been committed by the High Court in directing the benefit of additional increment to the District Awardees for the period prior to 04.09.2018.

We are in complete agreement with the view taken by the High Court.

The Special Leave Petition stands dismissed.

Pending applications stand disposed of.”

03. The learned Advocate representing the respondent submits that a review petition has been filed in this Court and the same is pending. In the alternative, he states that an unconditional apology is tendered by the respondents and four months’ time may be granted to refund the amount. He further submits that the amount will be refunded subject to the decision in the review petition.

04. We are of the view that the pendency of a review petition, unless the order sought to be reviewed is stayed, is not a ground for non-implementation of an order. Moreover, the Hon’ble Apex Court has concluded that no error has been committed by the High Court in directing an additional

increment to the District Awardees. The Hon'ble Apex Court further observed that it is in complete agreement with the view taken by the High Court.

05. The learned Advocate for the petitioner submits that the petitioner was an employee of the respondents and is not interested in awarding of punishment to the respondents. If the amount with reasonable interest is awarded, with all consequential benefits, he will be satisfied. He further submits that this petition can be disposed off by giving lesser time to the Zilla Parishad to refund the amount.

06. In view of the above, the contempt petition is disposed off by recording that the Zilla Parishad will refund the amount of Rs.1,39,539/- with 3% interest per annum for the financial years 1st September, 2019 till 15th June, 2022. This amount would be refunded to the petitioner on or before 30th July, 2022. Needless to state, the same would be subject to the outcome of the review petition. The petitioner shall tender an affidavit/undertaking that if he suffers an adverse order and is held dis-entitled for the said benefit, he would return the amount along with interest within six weeks after such order is passed.

[ANIL L. PANSARE,J.]

[RAVINDRA V. GHUGE,J.]