

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CONT. PETITION NO.621 OF 2019
IN WP/8071/2018 WITH CA/10041/2022 IN CP/621/2019

DHANANJAY DHONDIRAM PHAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.R.I.Wakade, Advocate for the petitioner.
Mr.S.G.Karlekar, AGP for respondent No.4.
Mr.C.V.Thombre, Advocate for respondent Nos.5 and 6.

**(CORAM : RAVINDRA V. GHUGE AND
ARUN R. PEDNEKER, JJ.)**

DATE : JULY 26, 2022

PER COURT :

1. This matter was heard extensively. It appears that the respondent / contemnor has commenced the implementation of the directions of this Court and admittedly paid Rs.12,63,300/- to the petitioners.
2. During the course of the arguments of the parties, we called upon the learned Advocates to state as to whether it would be advantageous to refer their dispute as regards the pay scale applicable, the pay fixation and the quantum to be calculated as arrears of dues, to the Education Officer, who has the entire data before him and would be a more suitable person to calculate the unpaid amounts which are due to

the petitioner. Both the learned Advocates, on instructions, were agreeable. We then asked both of them to take instructions as to whether the petitioner is willing to waive 25% of the arrears as a gesture to render a quietus to the litigation and whether the contemnor would be agreeable to pay 75% of the amount. On instructions, it appears that the petitioner as well as the contemnor are agreeable.

3. Both of them have entered their individual affidavits. The affidavit tendered by the petitioner is marked as 'X-2' for identification and the affidavit filed by the contemnor is marked as 'X-3'.

4. In view of the above, as the contempt proceeding cannot be stretched to the extent of indulging in calculating whether the exact amounts are paid by the contemnor or not, by consent of the parties, **this petition is disposed off** by recording that the contemnor has paid and the petitioner has received an amount of Rs.12,63,300/-. The remainder amount would be calculated by the Education Officer in accordance with the pay scale applicable. The petitioner is willing to waive 25% of the said arrears and the contemnor is willing to pay 75% of the said amount.

5. Hence, both the petitioners would appear before the Education Officer, Secondary, Zilla Parishad, Beed on 10.08.2022 at 11.00 a.m. The Education Officer would commence the hearing in the matter and arrive at proper calculations as regards the outstanding amounts payable to the petitioner by the contemnor, on the basis of the pay scale applicable and with the assistance of both the parties. This exercise would be concluded by 15.09.2022. If the contemnor prays for installments to pay 75% of the said residual amount, the Education Officer would consider the said request after hearing the petitioner and thereafter pass an appropriate order for granting monthly equated installments, which would sound reasonable.

6. Pending civil application would not survive and stands disposed off.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)