

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

**902 CIVIL APPLICATION NO.2375 OF 2023
IN CP/269/2020**

**THE CHIEF EXECUTIVE OFFICER ZILLA PARISHAD JALGAON
VERSUS
PRADIP RAVAN KANKHARE AND OTHERS**

...

**903 CIVIL APPLICATION NO.2379 OF 2023
IN CP/270/2020**

**THE CHIEF EXECUTIVE OFFICER ZILLA PARISHAD JALGAON
VERSUS
YOGESH JAGANNATH SANER**

...

Advocate for Applicants in both applications : Mr. M.S. Sonawane
Advocate for original petitioners in both applications : Mr. Y.B. Bolkar

...

**CORAM : RAVINDRA V. GHUGE &
ARUN R. PEDNEKER, JJ.
DATED : 23/02/2023**

PER COURT :

1. By this application, the Zilla Parishad, Jalgaon has prayed for modifying the order dated 22.9.2022, passed by us in Contempt Petition Nos. 269 and 270 of 2020.
2. The learned counsel for the Zilla Parishad conveys the unconditional apology of his client, the Chief Executive Officer.
3. We have considered the strenuous submissions of the learned advocate for the Zilla Parishad, who has vehemently contended that the order needs to be modified.
4. We find that the issue in the contempt proceeding was as regards the compliance of the orders passed by this Court dated 19.6.2019 and 8.8.2019. These orders pertain to grant of monetary benefits to candidates who have either been awarded certificate of excellence or have been bestowed with the honour of District Awardee teacher. As such, these candidates were entitled for advance increments as per the Government Resolution (GR) dated 29.10.1990. The government introduced the GR dated 24.8.2017, thereby discontinuing the said benefits. This Court has

interpreted the GR by concluding that the same apply prospectively. Such benefits were stopped by the Government in the light of the 6th and 7th Pay Commission pay scales.

5. By the orders dated 19.6.2019 and 8.8.2019, this Court had directed the Zilla Parishad to assess each case of the petitioners and find out as to whether they were District Awardee teachers or were awarded the certificate of excellent work. By the order passed by this Court on 22.09.2022 in Contempt Petition Nos. 269 and 270 of 2020, we have recorded the statement of the Chief Executive Officer, Zilla Parishad, Jalgaon, who was present in the Court, that those who are found to be eligible, would be paid the benefits. There is neither any embargo in our orders nor does it create a rider over the orders dated 19.6.2019 and 8.8.2019.

6. In view of the above, we do not find that the order dated 22.9.2022 needs any modification. Suffice it to say that the Zilla Parishad would verify each of the these 23 cases, within two weeks, in the light of the orders dated 19.6.2019 and 8.8.2019 and depending upon their eligibility, would make the payment of their dues within two weeks from the date of such verification. Since this Court had never expressed that those candidates who are ineligible should also be given the benefits, the Zilla Parishad would intimate it's decision to the unsuccessful candidates, who would be at liberty to take recourse to a remedy as may be permissible in law.

7. In view of the above, both the civil applications do not survive and stand disposed off.

[ARUN R. PEDNEKER J.]

[RAVINDRA V. GHUGE, J.]