

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

956 CONTEMPT PETITION NO.579 OF 2022
IN WP/12030/2017 WITH CA/15719/2022 IN CP/579/2022

MACHINDRA BHANUDAS NAJAN AND OTHERS
VERSUS
MANU KUMAR SRIVASTAVA THE SECRETARY GENERAL
ADMINISTRATION DEPARTMENT AND OTHERS

...
Advocate for the petitioners : Mr. N.S. Shah
AGP for respondent/State : Mrs.M.A. Deshpande
...

**CORAM : MANGESH S. PATIL &
M.M. SATHAYE, JJ.**

DATE : 21 MARCH 2023

PC :

We have heard learned advocate for the petitioners. He submits that as per directions of this Court in writ petition no.12071 of 2017 and writ petition no.12030 of 2017 dated 08.01.2019, the petitioners' claim for payment of pay scale to the canal inspectors at par with the Gram Sevaks was under consideration with the pay committee and this Court had directed the decision to be taken expeditiously and within a period of three months. Learned advocate submits that though in the affidavit in reply it has been mentioned that the pay commission submitted a report and it was placed before the Cabinet, there is no communication of the pay commission report to the petitioners as was a statement made before this Court, recorded in paragraph no.2 of the original order dated 08.01.2019.

2. Learned AGP submits that as per directions of this Court, the pay commission has considered the case and has forwarded the recommendations which are pending final decision by the Cabinet. She would point out that the minutes of deliberation in the Cabinet has also been incorporated in the affidavit in reply and in due course, the decision would be taken by the Cabinet considering the improvement in the financial position.

3. Admittedly, the only direction that was given by this Court was for consideration of the petitioners' claim by the pay commission. Affidavit in reply specifically mentions about the recommendations of the committee having been placed before the Cabinet and preliminary decision of the Cabinet is reproduced in paragraph no.4 of the affidavit in reply.

4. *Prima facie*, the aforementioned decision and the further statement in paragraph no.5 of the affidavit in reply that the decision with regard to the petitioners' cadre shall also be taken up as part of the complete report, nothing survives.

5. Pertinently, a similar contempt petition nos.370 of 2019 and 372 of 2019 were disposed of by this Court by order dated 25.02.2022 in following words :-

"1. We have heard Smt. Dhongade, learned advocate for petitioners.

2. *The learned counsel for petitioners submits that orders of this Court dated 08-01-2019 are not complied with.*

3. *Under the said order, we had directed Pay Anomaly Committee to take decision.*

4. *As per affidavit filed by respondent No. 2, Pay Anomaly Committee has already forwarded its recommendations and final report to the Government on 09-02-2021. The said report now will have to be placed before the Cabinet. It is for the Cabinet to take decision on it. Affidavit states that recommendations will have to be finalized after approval of the Cabinet. Pay Anomaly Committee has already done his job.*

5. *In view of that contempt stands purged.*

6. *The Contempt Petitions are disposed of."*

6. Nothing survives. Petition stands disposed of. Civil Application No.15719 of 2022 is also disposed of.

[M.M. SATHAYE]
JUDGE

[MANGESH S. PATIL]
JUDGE

sga/