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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CONTEMPT PETITION NO. 498 OF 2018

**Dr. Maruti Laxman Chougule
& Ors.**

.. Petitioners

Versus

The State of Maharashtra & Ors.

.. Respondents

**WITH
CONTEMPT PETITION NO. 506 OF 2018**

**Dr. Dilip Bapusaheb Chougale
& Ors.**

.. Petitioners

Versus

The State of Maharashtra & Ors.

.. Respondents

Mr. S. G. Deshmukh i/by Mr. Ramdas A. Shelke for petitioners.

Mrs. R. A. Salunkhe, AGP for respondent no.1/State.

Mr. Ramesh D. Rane for respondent nos.3 and 4.

**CORAM: S. V. GANGAPURWALA, ACTING CJ. &
SANDEEP V. MARNE, J.**

DATE: MARCH 1, 2023

P.C.:

- 1.** We have heard the learned counsel for the petitioners.
- 2.** The contempt is alleged of the order passed by this Court in Writ Petition Nos.1007 of 2013 with 1006 of 2013 dated 16th March, 2017.
- 3.** This Court passed the following order on 16th March, 2017: -
"7. All consequences in law will follow inasmuch as the pay scales of the period prayed would be admissible and if any

arrears have to be released, they must be released, including any other benefits, such as terminal, retiral benefits, pension etc. The monetary entitlement in terms of the above shall be made as expeditiously as possible and within a period of three months from the date of receipt of a copy of this order. We direct the Department of Public Health to instruct and inform all other Departments, including the Department of Finance and Directorate of Pay & Accounts so that the petitioners emoluments in terms of our directions would be released and within the time stipulated.

8. We have passed this order after informing Ms. Bhende and making aware the official present in Court that the position as emerging from the stand of the State before us would now be common to all Zilla Parishads and particularly in the services which have been referred by us in great details. If not these services in other Zilla Parishads such of the doctors and practitioners and on par with the petitioners have been appointed, then, needless to clarify that the State's position may benefit them depending upon the other facts and circumstances."

4. Pursuant to the aforesaid order dated 16th March, 2017, the payment has been made on or about 1st January, 2019 as per the affidavit filed by the State.

5. The learned counsel for the petitioners submits that the respondents have failed to pay the interest amount in respect of the arrears from the year 1981. According to the learned counsel, the petitioners had claimed interest in the writ petitions and the same are allowed by the Court.

6. The prayers in the writ petitions read thus: -

""a) To call for the necessary and relevant records from the Respondents;

b) To issue a writ of mandamus or any other appropriate writ, order or direction in that nature to the Respondents, declaring that the Petitioners are entitled to the salary at the scale of Rs.2000-3500 with effect from 1/1/1986, salary at the scale of Rs.8000-13,500 with effect from 1/1/1996, salary at the scale of 15,600-39,100 with effect from 1/1/2006 directing the Respondents to make the payment of consequential

arrears to the Petitioners with appropriate interest thereon;

c) To issue a writ of mandamus or any other appropriate writ, order or direction in that nature directing the Respondents to make the payment of Non-Practising Allowance as per the rules to the Petitioners with effect from 1/4/1981;

d) To issue a writ of mandamus or any other appropriate writ or order or direction directing the Respondents to refund the amounts as stated in paragraph No. 13 to the Petition;

e) To direct the Respondents to execute these orders expeditiously, preferably within a period of 2 to 3 months from the date of order;

f) To provide for the costs of this Petition;

g) To pass any such other and further orders in favour of the Petitioners as this Hon'ble Court deems fit and proper."

7. According to the learned counsel, the respondents are required to pay interest on the arrears from the date the same were due, in view of the orders of the court.

8. The learned AGP submits that the respondents are not bound to pay the interest. Even no cost amount is awarded. As per the Government Resolution dated 22nd November, 1994, issued by the Finance Department, the interest is liable to be paid if the amount is not paid within six months from the date of the order passed by the Government. The Government issued GR and passed order on 25th September, 2018 and from the said date the amount is paid within six months. As such, no interest is payable.

9. We have considered the submissions.

10. In the prayer clauses, the petitioners have claimed appropriate interest. This Court while passing the order did not observe any particular rate of interest on the payment to be made. The said prayer was not specifically granted nor a specific rate of interest is also claimed nor awarded.

11. By that as it may, this Court passed order on 16th March, 2017. As per para 7 of the affidavit filed by the Deputy Secretary, Public Health Department, Mantralaya, Mumbai on 24th February, 2023, the order of this Court is complied with on 1st January, 2019. Still, the same would be much after the order passed by this Court on 16th March, 2017. The reliance on Government Resolution dated 22nd November, 1994 is not relevant, nor the order dated 25th September, 2018 is relevant. What is relevant is the order passed by this Court on 16th March, 2017.

12. In light of that, we would direct the respondents to pay interest to the petitioners, except legal heirs of petitioner no.2 – deceased Dr. Vijay Krishnaji Kulkarni as it is stated that the legal heirs of the said deceased petitioner no.2 had already been paid the interest amount. The interest shall be paid to all other petitioners for a period of one year at the rate of 7% per annum on the amount paid to the petitioners.

13. With these observations, the contempt petitions are disposed of.

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)

Digitally
signed by
PRAVIN
DASHARATH
PANDIT
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