



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CONT. PETITION NO. 351 OF 2015
IN WP/8763/2014
WITH
CIVIL APPLICATION NO. 8690 OF 2017
IN CP/351/2015

Biyabani Syed Najeebuddin
VERSUS
Syed Abdul Mannan And Others

...
Advocate for the Petitioner : Mr. Sushant V. Dixit
AGP for Respondent/State: Mr. N. S. Tekale
Advocate for Respondent Nos. 2,3, & 6 : Mr. P. S. Dighe
....

CORAM : NITIN B. SURYAWANSHI AND
SANDIPKUMAR C. MORE, JJ.

DATED : 23st JULY 2025

ORDER:-

1. The petitioner is claiming arrears of regular salary up to June 2025 in the present Contempt Petition.
2. The Management has come out with a stand that since May 2021 they have closed down the College and sought permission from the University about it, and it was granted. Then, the proposal was forwarded to the AICTE. The same is pending for consideration of AICTE. It is further contended by the Management that the claims of 21 employees, who were working with the petitioner, have been settled by the Management. Learned Advocate for the Management

further contended that up to January 2019 all the arrears of regular salary are paid to the petitioner, and the Management is ready to pay the arrears of regular salary from February 2019 till May 2021 which comes to Rs. 55,66,372/- (Rupees Fifty Five Lakhs Sixty Six Thousand Three Hundred Seventy Two only). The Management has placed on record copy of calculations of the dues of the petitioner which includes difference in increment for the period from March 2015 to January 2019, and difference of regular salary from February 2019 to May 2021, which comes to Rs. 55,66,372/-. The said calculation is marked 'X' for identification purposes.

3. Learned Advocate for the petitioner disputes the said calculation. He contends that calculation of the Management is as per the 6th Pay Commission, when in fact from January 2016, 7th Pay Commission benefits were made applicable and the petitioner is therefore, entitled for the regular salary as per 7th Pay Commission.

4. Learned Advocate for the Management/ Contemnor states that they have not given benefits of 7th Pay Commission to any of their employees so far. Be that as it may, according to us, the direction to pay arrears of regular salary means that the petitioner is entitled for the salary including 7th Pay Commission benefits. Petitioner has given chart of calculations of the arrears from March 2015 till May 2021, which comes to Rs. 81,55,705/- (Rupees Eight One Lakh, Fifty Five

Thousand & Seven Hundred Five).

5. The Management/ contemnor should pay this amount of Rs. 81,55,705/- (Rupees Eight One Lakh, Fifty Five Thousand & Seven Hundred Five) to the petitioner in four equal quarterly installments commencing from 25th August 2025. Failure to pay these installments shall be treated as aggravated contempt of this Court.

6. With the above directions, the Contempt Petition is disposed of as the contemnor are contending that because of pendency of this Contempt Petition, their proposal for closure is not considered by the AICTE.

7. The petitioner is at liberty to agitate his claim for further salary, if he is entitled to it, before appropriate forum.

(SANDIPKUMAR C. MORE)
JUDGE

(NITIN B. SURYAWANSHI)
JUDGE

Y.S. Kulkarni