

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

**CONTEMPT PETITION NO.159 OF 2024
IN
WRIT PETITION NO.616 OF 2016**

Subhash Atmaramji Sarode (Since Deceased)
Through LR.s.: Rekha Subhash Sarode and Ors. .. Petitioners
Vs.

The State of Maharashtra,
Through Rural Development Dept. and Ors. .. Respondents

Mr. Vinayak R. Kumbhar, Advocate for the Petitioners.
Mr. S.H. Kankal, Assistant Government Pleader for Respondent No.1.
Mr. Ashish S. Gaikwad with Mr. Anirudh R. Rote and Ms. Rutuja V. Pendkalkar, Advocates for Respondent Nos.2 and 3-Contemnors.

**CORAM : SHREE CHANDRASHEKHAR &
MANJUSHA DESHPANDE, JJ**

DATE : 14TH AUGUST 2025.

PC. :

Being aggrieved by delay in complying with the order dated 27th March 2023 passed in Writ Petition No.14575 of 2018 “*Dr. Dnyanaba Baliram Range v. The State of Maharashtra & Ors.*” and connected matters, the petitioners have filed this contempt petition alleging willful and intentional violation on the part of the respondent nos.2 and 3-contemnors. By the order dated 27th March 2023, this Court passed the following directions in the aforementioned batch of writ petitions:

- “(I) The impugned order to the extent of recovery is quashed and set aside.*
- (ii) The order with regard to re-pay fixation done is not interfered with.*
- (iii) The amount, if recovered from the petitioners, shall be refunded to them within 4 (four) months.”*

2. Mr. Vinayak R. Kumbhar, the learned counsel for the petitioners submits that the amount recovered from the petitioners on the ground of wrong fixation of pay-scale has been refunded without any interest. The learned counsel for the petitioners further submits that the writ Court has

issued a direction to the respondent nos.2 and 3-contemnors to refund the amount recovered from the petitioners within four months but such refund has been made to them after an inordinate delay without giving plausible explanation.

3. On the other hand, Mr. S.H. Kankal, the learned State counsel appearing for respondent no.5 - Zilla Parishad, Thane submits that the aforesaid order passed by the writ Court was challenged before the Hon'ble Supreme Court and a Special Leave Petition filed by the Zilla Parishad, Thane came to be dismissed only on 1st April 2024. The learned counsel for the contemnors further submits that in the order dated 27th March 2023 passed by this Court, no direction was issued to the respondent nos.2 and 3 for payment of interest on the recovered amount from the petitioners.

4. Having regard to the aforesaid rival submissions made on behalf of the parties, we are inclined to observe that in a contempt proceeding this Court is not inclined to award interest to the petitioners over the delayed payment of the amount recovered from them on the ground of wrong fixation of pay-scale. However, we may observe that there is no explanation offered by the respondent nos.2 and 3-contemnors as to the delay after 1st April 2024 for non-payment of the amount recovered from the petitioners. We are also inclined to observe that if the petitioners take out a proceeding seeking interest over the delayed payment of the amount recovered from them and if their claim is found sustainable and justifiable, the amount of interest may be recovered from the Officer who was at fault in not processing and making payment of the amount so recovered from the petitioners.

5. Contempt Petition No.159 of 2024 is disposed of.

[MANJUSHA DESHPANDE, J.]

[SHREE CHANDRASHEKHAR, J.]