

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

Contempt Petition No. 684 of 2025

In

Writ Petition No. 11823 of 2017

Hanumant Arjun Bansode
R/at B-302, Building No.1,
Purushottam Heights, Ram Nagar,
Apte Wadi, Shirgaon, Badlapur (East),
Taluka Ambernath, Dist. Thane.

... Petitioner

V/s.

1. Rajendra Mahajan
and/or His Successor in the office of
Chairman, Shishu Vihar Mandal,
Dadar West, Mumbai.
2. Prashant Hadkar
and/or His Successor in the office of
Secretary, Shishu Vihar Mandal
Dadar West, Mumbai.
3. Vijay Abaji Gaikwad
and/or His Successor in the office of
Principal, Tarabai Modak Adhyapak
Vidyalaya,
Dadar West, Mumbai.
4. Anil Chavan
And/or His Successor in the office of
Auditor-cum-Accounts Officer (Education)
Brihan-Mumbai South Division,
E-Vita Building, 2nd floor,
Parel, Mumbai.

5. The State of Maharashtra ... Respondents.

Ms. Deepa S. Punde i/b. Sachin Punde for the petitioners.

Mr. Kedar Dighe, Addl.G.P. a/w. Ms. Reena A. Salunke, AGP for respondents-State.

Ms. Samiksha Pawar for respondent Nos.1 to 3.

**CORAM : M.S. KARNIK &
S.M. MODAK, JJ.**

DATED : 27th February 2026

P.C. : (Per S.M.Modak, J)

Heard learned Advocate for the petitioner and learned Advocate for respondents Nos. 1 to 3 and learned AGP for respondent Nos.4 and 5.

2. The Division Bench of this Court as per the judgment dated 16th April 2018 has disposed of several writ petitions including the Writ Petition No.11823/2017 (in which present petitioner was the petitioner). The petitioner has challenged the action of recovering the amount on the basis that it was erroneously paid, consequently re-fixation of the pay-scale including Grade Pay was initiated. The Division Bench of this Court as per the said judgment set aside the decision of Auditor-Cum-Accounts Officer and ordered re-fixation of the salaries/pension payable to the present petitioner including others within the period of six weeks.

3. The State of Maharashtra has filed Special Leave Petition, however, the Hon'ble Supreme Court has refused to interfere in the said order and dismissed the petition on 24th July 2023. The question of law was kept open. Even after dismissal of the Special Leave Petition, present respondents have not complied with the order of Division Bench and that is why present contempt petition is filed.

4. Respondent Nos.1 and 2 are Chairman and Secretary of the Education institution whereas respondent No.3 is the Principal of Tarabai Modak Adhyapak Vidyalaya run by Shishu Vihar Mandal, a registered trust whereas respondent No.4 is the Auditor-cum-Accounts Officer of respondent No.5-State of Maharashtra.

5. Respondent Nos. 1 to 3 have filed an affidavit-in-reply and submitted that they are not the statutory sanctioning authority for fixation of pay and other benefits.

6. They have pleaded that they already submitted a proposal for pay fixation as per the provisions of Maharashtra Civil Services (Revised Pay) Rules, 2009 whereas respondent No.4 has explained the steps taken by him after dismissal of Special Leave Petition. He has also pleaded that the pay-scale is already revised in respect of other 8 petitioners and the pay of this petitioner could not be re-fixed as the management has sent the wrong proposal. Assurance is

given that it will be re-fixed if proper proposal is submitted on behalf of respondent Nos.1 to 3. There is an additional affidavit-in-reply filed by respondent No.4. He has calculated the pay-scale and also annexed copy of the Proforma to be submitted for re-fixation of pay-scale to the said affidavit dated 20th February 2026. The proforma is on Page Nos.291 to 295.

7. Now, it is for respondent Nos. 1 to 3 to complete the formalities and submit the corrected proposal for re-fixation of the pay-scale in terms of the affidavit-in-reply of the respondent No.4. We think that if it is done, pay can be re-fixed by respondent No.4 within a short period. In that case there will be compliance of the order passed by the Division Bench.

8. In view of that, we are inclined to pass the following order:

ORDER

- (1) Respondent Nos.1 to 3 are directed to submit the proposal for re-fixation as per the Proforma submitted by respondent Nos.4 and 5 within a period of two weeks from the date of uploading of the order, after completing necessary formalities.
- (2) Respondent Nos.4 and 5 are directed to scrutinize the proposal within the period of four weekw from receipt of proposal.

- (3) After the proposal is approved by respondent Nos.4 and 5, respondent Nos.1 to 3 are directed to calculate the arrears from 1st January 2006 till 30th September 2021 and to submit the bill for arrears of the said amount with pay unit of the Education Department within the period of three weeks.
- (4) Respondent No.5 is directed to approve the bill as early as possible.
- (5) As the Petitioner has retired on 30th September 2021, respondent Nos.1 to 3 are directed to re-fix the pension and send the proposal to the concerned Department of Education within the period of 3 weeks from the date of payment of arrears to the petitioner.
- (6) The Contempt Petition is disposed of.
- (7) The parties are granted liberty to move the Court in case of non-compliance of this order.

(S.M. MODAK, J.)

(M.S.KARNIK, J.)