



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.3287 OF 2021

Shri Dr Vasif Tausifuddin Ahmed, Pusad, Yavatmal and ors.

-VS-

The State of Maharashtra, Thr. Secretary, Technical Education Dept. Mantralaya, Mumbai and
ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and the Registrar's orders.

Court's or Judge's Orders.

Mrs Gauri Venkatraman, Advocate for petitioners.
Shri S. S. Hulke, Assistant Government Pleader for respondent Nos.1 and 2.
Shri N. P. Lambat, Advocate for respondent No.3.
Shri J. B. Kasat, Advocate for respondent No.4.
Ms Shaad Mirza, Advocate for respondent Nos.5 and 6.

CORAM : NITIN W. SAMBRE AND MRS VRUSHALI V. JOSHI, JJ.

DATE : February 18, 2025

1. The present petition pertains to the arrears receivable by the petitioners from the respondent-Management for a period from November 2018 to August 2023 which is worked out to around 13 Crores and other dues under the 6th and 7th Pay Commissions including that of regular salary.

2. Vide order dated 10/07/2023 the following directions were issued :

(i) *We direct the 5th and 6th respondents to pay the petitioners the salary (basic pay and 107% dearness allowance) which was being paid to the petitioners till October, 2018 from August, 2023.*

(ii) *In so far as the arrears of the salary (basic plus 107% dearness allowance) from November, 2018 till July, 2023 is concerned, we direct the management to place on record an affidavit within the next four weeks laying down a timeline within which the management will be in a position to clear the arrears. If the affidavit of the management satisfies the employees, an order in terms of the affidavit shall be passed. If the offer or proposal of the management*

is not acceptable to the employees, we shall consider the said aspect at a later stage.

3. The fact remains that direction No.(i) referred above is not complied with till this date but for paying an amount of Rs.6 Lakhs to each of the petitioners. Even regular salary for last three months is not paid to the petitioners who are in service.

4. This Court vide direction No.(ii) referred above directed to pay arrears of the salary from November 2018 till July 2023 and further directions were issued to place on record an affidavit within next four weeks within which the respondent-Management would be in a position to pay the arrears and able to clear the dues. Today again the counsel for the respondent-Management is seeking time to place on record compliance of the aforesaid directions.

5. The fact remains that the salary as was directed pursuant to the order dated 10/07/2023 is due and receivable by the petitioners for last about three months. The employees who have superannuated are not paid arrears and the amount of Rs.6 lakhs was paid to the employees who are in service. As far as employees who have retired, the respondent-Management has not paid any amount to them.

In the wake of aforesaid observations, we have called upon the counsel for the respondent Nos.5 and 6 to furnish details of the Office bearers of the Society for whom she is appearing. In response to the same, the counsel, on instructions from the respondent Nos.5 and 6, has furnished the following names :

Shri Sudhakar Rao Naik	President
Shri Manoharrao Rajusingh Naik	Secretary of respondent No.5-Janta Shikshan Prasarak Mandal, BNCE Campus, Pusad District Yavatmal

Dr Avinash Mahadeorao Wankhade,	Principal of respondent No.6-Babasaheb Naik College of Engineering, Pusad, District Yavatmal.

6. As such, we deem it appropriate to cause notice of contempt to the aforesaid Office bearers of the respondent No.5 and 6 calling upon them as to why they should not be punished under the provisions of the Contempt of Courts Act, 1971 for showing disregard and disrespect to the order passed in the present proceedings.

7.. Contempt notices are made returnable on 05/03/2025.

(Mrs Vrushali V. Joshi, J.)

(Nitin W. Sambre, J.)