

**(2015) 02 MP CK 0121**

**In the Madhya Pradesh High Court**

**Case No :** Conc. Case Nos. 2564, 2565, 2566, 2567, 2577, 2582, 2583, 2585, 2588, 2589, 2590, 2591, 2604, 2605, 2628, 2630 of 2013 and 103 of 2014

Raj Kumar Rajak and Others

APPELLANT

Vs

Anoop Dev Keshav Pujari

RESPONDENT

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**Date of Decision :** 02-02-2015

**Acts Referred:**

Constitution of India, 1950 — Article 215

**Citation :** (2015) 2 MPHT 185

**Hon'ble Judges :** Alok Aradhe, J

**Bench :** Single Bench

**Advocate :** P.C. Chandak and Uttam Maheshwari, for the Appellant; Shobha Menon and Ankita Khare, Advocates for the Respondent

**Final Decision :** Disposed off

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## **Judgement**

Alok Aradhe, J.

1. Heard. This petition under Article 215 of the Constitution of India has been filed alleging non-compliance of directions issued vide order dated 26-9-2011 passed by a Bench of this Court in Writ Petition No. 4466/2010 (S) and other connected petitions. The operative portion of the aforesaid order reads as under:--

"15. Keeping in view the aforesaid, all these petitions are allowed. Respondents are directed to pay to the petitioners minimum the pay in the scale of pay notified for the posts against, which the petitioners are discharging duties. The said benefit be paid to the petitioners with effect from the date the order was passed on 16/17-9-2009 vide Annexure P-9. The benefit be paid retrospectively with all arrears within a period of three months from the date of receipt of certified copy of this order. The benefit shall be granted to each of the petitioners keeping in view the nature of work/posts hold by them and the pay-scale sanctioned for the same as is applicable in the respondents' establishment."

2. An affidavit dated 28-1-2015 duly sworn in by the Registrar of the respondent-University has been filed in which it has categorically been stated that as per the direction of this Court issued in the writ petitions, arrears have been released in favour of the petitioners and they are being granted minimum of regular pay and allowances as admissible from time to time. In support of the aforesaid statement, a note-sheet has been filed.

3. In the counter affidavit, which has been filed on behalf of the petitioners it has been stated that the respondents have constituted a committee for classification of the petitioners on the basis of posts against which the petitioners are discharging their duties. However, the aforesaid committee has not taken any action in the matter due to which the petitioners are not given the minimum pay prescribed for the posts.

4. I have considered the respective submissions made by learned Counsel for the parties. From perusal of the order passed by a Bench of this Court in the bunch of writ petitions, it is evident that there is no direction for constitution of the committee. The Registrar of the University in Paragraph 2 of the affidavit in categorically terms stated that all arrears have been released in favour of the petitioners and they have been granted minimum of regular pay and allowances as admissible from time to time. The aforesaid fact has not expressly been denied by the petitioners in their counter affidavit. As far as constitution of the committee for classification of the posts of the petitioners is concerned, the same appears to be out of purview of the order passed by a Bench of this Court. In any case, it cannot be held that the respondents have willfully disobeyed the order passed by this Court. Therefore, I do not find any ground to proceed further with the contempt petitions. However, the petitioners would be at liberty to agitate their grievance in an appropriate forum in accordance with law, if so advised.

5. With the aforesaid observation, the contempt petitions are disposed of. C.c. as per rules.