

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

13 CONTEMPT PETITION NO.199 OF 2015
IN WP/3288/2013

PARASMAL PUKHRAJ BAFNA
VERSUS
STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Petitioner : Party In Person
Mr. SK Kadam, AGP for Respondent No.1;
Mr. Deshpande Sanjeev B. ASG For Resp.No.2.

**CORAM : S.S.SHINDE &
 P.R.BORA, JJ.**

DATE : 4th December, 2015.

PER COURT :

1) Heard party-in-person; and learned Counsel
for respective respondents.

2) It is a submission of the petitioner that
instead of adhering to the directions contained in
order dated 9th January, 2015 issued by this Court in
Writ Petition No.3288/2013, Respondent No.2 relied
upon Corrigendum dated 9th June, 2015 issued by
Respondent No.1, and calculated the revised pension
of the petitioner. It is further submitted that the
directions issued by this Court in Writ Petition

No.3288/2013 have not been complied with within the stipulated period. The petitioner has invited our attention to the grounds taken in the Contempt Petition and submits that the respondents be dealt with in accordance with the provisions of Contempt of Courts Act, 1971 and Article 215 of the Constitution of India, for not complying with the directions issued by this Court.

3) On the other hand, learned Counsel appearing for respondents invited our attention to affidavit in reply/additional affidavit in reply, and submits that the directions/orders issued by this court have been fully complied with inasmuch as, Respondent No.2 has revised the pension @ Rs.25,775/- and pensionary benefits payable to the petitioner on 15th July, 2015. As regards payment of interest @ 8% per annum for the period from 1st August, 2012 to 28th September, 2012, the respondent has already requested the Principal District Judge, Nanded, vide letters dated 27.4.2015, 9.6.2015, 23.6.2015 and 16.7.2015 to forward the necessary sanction for Rs.9,332/- being admissible interest for the period from 1.8.2012 to 28.9.2012 after obtaining the sanction from their

Administrative Department. It is not in dispute that the said amount is now received by the petitioner.

4) The counsel appearing for Respondent No.2 also stated that for causing delay in payment of pension, two months' interest has been already paid to the petitioner.

5) Upon hearing the counsel for the respondents and upon perusing the documents placed on record and in particular affidavit in reply/additional affidavit in reply filed by Respondent No.2, we find that the respondents have duly complied with the orders/directions issued by this Court, of which wilful disobedience has been alleged, in its letter and spirit. It is true that there is delay of two months in compliance of the directions, however, for the delayed period, the amount of interest has been paid to the petitioner.

6) The Hon'ble Supreme Court in the case of Suresh Chandra Poddar Vs. Dhani Ram and Ors. - (2002). 1 SCC 766, has observed as under, -

"...Time and again this Court has

cautioned as to when and in what circumstances, contempt of court jurisdiction is to be exercised. Such a power is not intended to be exercised as a matter of course. Courts should not feel unduly touchy when they are told that the orders have not been implemented forthwith. If the Court is told that the direction or the order of the court has been complied with subsequently, albeit after receipt of notice of contempt, we expect the courts to show judicial grace and magnanimity in dealing with the action for contempt."

7) In that view of the matter, in our opinion, there is no any willful disobedience as such on the part of the respondents. The Contempt Petition stands disposed of.

(P.R.BORA)
JUDGE

(S.S.SHINDE)
JUDGE

bdv/