

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CONTEMPT PETITION NO.149 OF 2016
IN WRIT PETITION NO.6145 OF 2015

(Mrs. Stella w/o Sachin Khandagale vs. Ms. Rachana Singh, Principal, St. Ursula Girls High School, Nagpur and another)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's orders
or directions and Registrar's orders.

Shri J.A. Anthony, Advocate for petitioner.

Shri S.S. Sanyal, Advocate for respondents.

CORAM : SMT. VASANTI A NAIK AND
KUM. INDIRA JAIN, JJ.

DATED : SEPTEMBER 28, 2016

By this contempt petition, the petitioner seeks action against the respondents for wilfull disobedience of the order dated 15/3/2016, in Writ Petition No. 6145/2015.

Shri Anthony, the learned Counsel for the petitioner, states that though the respondents were directed to furnish the details in respect of the entitlement of the deceased husband of the petitioner within one week and pay costs of Rs.2000/- to the petitioner, the respondents have not supplied the details to the petitioner.

Shri Sanyal, the learned Counsel for the respondents, states by referring to the affidavit-in-reply filed on behalf of the respondents and the instructions, that the widow of the employee in St. Ursula Girls High School had filed the writ petition for a direction against the School and the Education Officer (Secondary) to process the claim case of the service benefits of her

deceased husband and also furnish the details of service benefits to her so as to enable her to do the needful for getting the service benefits. It is stated that in view of the aforesaid prayer, this Court had observed in the order dated 15/3/2016 that since the petitioner was seeking details of the entitlement of her deceased husband in respect of his employment in the School, the respondents should furnish those details to her within a period of one week and that each of the respondents should also pay costs of Rs.2000/- to her. It is stated that by so directing, the writ petition was disposed of. It is stated that after the writ petition was disposed of, the respondents tried to contact the petitioner on the address given in the writ petition, but it was learnt that she was residing at Mumbai and hence, she was informed at the Mumbai address vide letter dated 30/3/2016 that she should supply certain necessary information that was required for settling the pension case and the General Provident Fund dues. It is stated that the petitioner did not supply the information that was sought vide communication dated 30/3/2016, however, the respondents with a view to facilitate early release of the retiral benefits in her favour, forwarded the pension and other claim cases to the appropriate Authorities and it is learnt that the petitioner is receiving pension from August 2016. It is stated that the Office of the Accountant General is processing the matter in respect of payment of gratuity and the same would also be paid to her shortly, if it is not paid till date. It is stated that since the writ petition was filed only for

issuance of a direction to process the claim case of the service benefits of the deceased husband of the petitioner as per entitlement, it cannot be said that there is non compliance of the order, of which the contempt is alleged, muchless deliberate.

Since a statement was made by the learned Counsel for the respondents that the petitioner has started receiving the pension and certain other retiral benefits are also paid partly, we asked the learned Counsel for the petitioner whether he is aware of the same. The learned Counsel for the petitioner, however, stated that he has not taken instructions recently and when the petitioner last contacted him, she had not informed him that she had received any amount towards retiral dues. It is, however, admitted that the Counsel has not contacted the petitioner after the matter was listed on the admission board during this week and he is also not aware as to when the petitioner had last contacted him.

In view of the aforesaid, it cannot be said that the respondents have in any manner disobeyed the order, of which the contempt is alleged, muchless deliberate. We find that the respondents were taking prompt action for releasing the retiral benefits in favour of the petitioner. The details of entitlement of the deceased husband of the petitioner as per the prayer clause and the order of which the contempt is alleged would be referable to the details, which the petitioner would be required to submit for processing the pension case and to secure other retiral benefits.

Since we do not find that there is non compliance of the order of this Court, of which the contempt is alleged, the contempt petition is liable to be disposed of. Hence, we dispose of the same with no order as to costs.

JUDGE

JUDGE

khj

CERTIFICATE

I certify that this order uploaded is a true
and correct copy of original signed order.

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Kamal H. Jeswani
Private Secretary

Uploaded on :

30/9/2016