

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

CONTEMPT PETITION NO. 133 OF 2015

IN

WRIT PETITION NO. 1145 OF 2013 (P)

Damodhar Pandurang Nandanwar

-vs-

Ashok Rangnath Satpute, Chief Officer, Municipal Council Tumsar.

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

Court's or Judge's Orders.

Mr.A.Z.Jibhkate, counsel for the petitioner.

Mr. S.P.Palshikar & M.I.Dhatrak, counsel for the respondent.

CORAM : SMT. VASANTI A. NAIK &
A.S.CHANDURKAR, JJ.

DATE : 04.01.2016.

By this contempt petition, the petitioner has sought action against the respondents for willful disobedience of the interim direction issued by this Court on 11/03/2014 in Writ Petition No.1145 of 2013.

It is the case of the petitioner that despite the specific direction of this Court, the respondents have not paid all the retiral benefits to the petitioner and the provisional pension is being paid to the petitioner at fifty per cent of the normal pension which would be receivable by him.

The learned counsel for the respondents state that certain dues were payable to the petitioner, as mentioned in para – 3 of the affidavit-in-reply filed on behalf of the respondent No.2 to the petition, but the said dues have been paid and there is nothing payable to the petitioner in terms of the interim order. It is stated that since a departmental enquiry is pending against the petitioner, the petitioner is being paid fifty per cent of the amount of regular pension. It is stated that the other retiral dues have been paid to the petitioner.

Mr. Jibhkate, the learned counsel for the petitioner, states that the petitioner has not been paid the retiral dues as per the recommendations of the 5th and 6th Pay Commission.

We do not find on a reading of the order of which the contempt is alleged that the respondents have disobeyed the directions of this Court. The petitioner has received the retiral benefits and the petitioner is also being paid fifty per cent of the regular pension every month. The question of payment of the dues as per the recommendations of the 5th and 6th Pay Commission as also the entire pension to the petitioner could be decided at the time of hearing of the petition.

In view of the aforesaid, we dispose of the contempt petition with no order as to costs.

JUDGE

JUDGE