

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

BENCH AT AURANGABAD.

**CONTEMPT PETITION NO.433 OF 2017
IN
WRIT PETITION NO.11206 OF 2016**

Nirmala Shital Vaykos ... Petitioner.

Versus

Union of India through
Secretary Mr.Sanjay
Mitra, Ministry of
Defence, Sachivalaya,
New Delhi and others. ... Respondents.

...
Mr.Nirmal Ravindra, advocate for the petitioner.
Mr.D.G.Nagode, Standing Counsel for Respondent
Nos.1 to 3.

...

**CORAM : S.V.GANGAPURWALA AND
SMT.VIBHA KANKANWADI, JJ.**

Date : 30.10.2017.

PER COURT :

1. This Court in Writ Petition
No.11206/2016 had issued notice to the
Respondents therein and had further restrained
from recovering the amount out of the monthly

family pension received by the petitioner. The said order is passed on 16.11.2016.

2. According to the learned counsel for the petitioner, inspite of communicating the said order to the Respondents, the Respondents went on deducting the amount and as such flouted the orders of this Court.

3. Mr.Nagode, learned counsel for the Respondents submits that the Respondent No.2 has filed affidavit-in-reply and has tendered unconditional apology for the error that has cropped up due to mis-communication.

4. The order passed by this Court dated November 16, 2016 in Writ Petition No.11206/2016 restraining the Respondents from recovering the amount out of the monthly family pension receivable by the petitioner is explicitly clear.

5. According to Mr.Nagode, the order of this Court is communicated to Respondent No.2 and Respondent No.3 got the knowledge of the order

only in last month.

6. Be that as it may, once the order is passed by this Court, it is bounden duty of the party to comply the said order. It appears that inspite of the interim orders passed by this Court, the recovery was effectuated from the amount of family pension payable to the petitioner.

7. We accept the unconditional apology tendered by the Respondent No.2 for the reasons stated in the affidavit. We accept that due to inadvertence the recovery was effectuated and there was no willful intention to flout the orders of this Court.

8. However, the Respondents shall pay back the amount recovered from the petitioner from the family pension from December 2016 till the date it was recovered. The same shall be paid back within a period of six (6) weeks from today.

9. The Contempt Petition accordingly

stands disposed of. No costs.

(SMT.VIBHA KANKANWADI, J.) (S.V.GANGAPURWALA, J.)

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