

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

Writ Petition No.4067 of 2000
[Uddharao Anantrao Rekhe and others v. State of Maharashtra, through
Department of Education, Mantralaya, Mumbai, and others)

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

Shri A.J. Gilda, Advocate for Petitioners.
Shri S.M. Ukey, Additional Government Pleader for Respondent
No.1.

Coram : R.K. Deshpande & Mrs. Swapna Joshi, JJ.
Date : 20th June, 2017

Heard Shri Gilda, the learned counsel appearing for the petitioners. He reports that he has no instructions from his clients.

This petition claims the reliefs as under :

“i) by writ or mandamus or any other appropriate order or direction, direct the Respondents to make payment of the first instalment, of the pensionary benefits, in view of the Govt. Resolution dt.15-11-1999 together with interest at the rate of 18% per annum;

ii) by appropriate interim direction direct the

Respondent No.2 to make the payment, within a period of 15 days;

iii) initiate suo-moto contempt proceedings, against the Respondents, for wilful disobedience of the orders passed by this Hon'ble Court, in the Writ Petition No.2432/1999 dt.24-08-1999;

iv) allow the petition with cost."

Shri Ukey, the learned Additional Government Pleader appearing for the respondent No.1-State, has invited our attention to para 1 of the return filed by the respondent, which is reproduced below :

"1. In view of prayers made in instant petition, this respondent humbly submits that the reliefs claimed in prayer cl.(i) is no more survived as all the petitioners have been paid amount of first instalment. The amount was paid to the 23 petitioners who have been retired in the year 1996, on 22.2.2001. The amount is paid to the 25 petitioners who have been retired in 1997 on 29.3.2001 and rest of the petitioners who have been retired in years 1998 and 99, are paid on 31.3.2001.

Amount of first instalment is paid to all the petitioners. However, there is some delay in paying the same which has caused only due to non-release of sufficient funds by the government. Thus the payments of first instalments are made and therefore first prayer does not survive.”

In view of the aforesaid stand taken on affidavit by the respondent No.2, we feel that the present petition has become infructuous, as the grievance made in the petition does not at all survive.

The petition is dismissed as infructuous.

Judge

Judge

Lanjewar