

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Contempt Petition No. 351/2016

in

WRIT PETITION NO. 5542/2014

(Dr.Anil s/o Wamanrao Dhage vs. Dr. Surendrakumar Bagde and others)

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

Court's or Judge's order

.....
Mr. F.T.Mirza, Adv.for petitioner
Miss T.Khan, AGP for Res.Nos.1 & 2
Ms.Arati Singh,Adv.for Res.No.3

**CORAM : B.P. DHARMADHIKARI &
MRS. SWAPNA JOSHI, JJ.**

DATED : 24th February, 2017.

1. In view of position reflected in paragraph 5 of affidavit on behalf of respondent no.2 filed on 23.1.2017, it appears that part of order has been complied with.
2. Adv. Mirza, however, points out that fate of pension receivable by petitioner is still undecided. Learned A.G.P. points out that entitlement of petitioner to continue up to 62-years of age, is to be decided in Writ Petition No. 5542/2014, which is still pending .
3. In this situation, though petitioner has continued till reaching the age of 62-years, we find that a direction to release his pension by treating 62-years as age of superannuation, cannot be issued at this stage. The orders dated 14th October, 2014 of which contempt is to be construed in the backdrop of prayer clause (c) in Writ Petition and, therefore, necessarily imply service benefits i.e. benefits for continuing in employment till reaching the age of superannuation. That prayer and orders of this Court, therefore,

do not cover the pension matter.

4. In this situation, in order to avoid moving unnecessary applications and further hearing, we direct the respondents to work out pension of petitioner provisionally by treating 60 as his age of superannuation. This exercise be completed in next two months.

5. With these directions, we dispose of Contempt Petition. No costs.

JUDGE

JUDGE

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