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

**CIVIL APPLICATION NO.7036 OF 2015
IN
CONTEMPT PETITION NO.324 OF 2014
IN
WRIT PETITION NO.8777 OF 2012**

Dr. M. S. Ramteke

..APPLICANT

VERSUS

Smt. Kaveri Banerjee & anr.

..RESPONDENTS

Mr C.D. Biradar, Advocate holding for Mr U. P. Giri, Advocate for
applicant;

Mr D. G. Nagode, Advocate for respondents

**CORAM : PRASANNA B. VARALE
AND
MANISH PITALE, JJ.**

DATE : 12th October, 2018

ORAL ORDER:

This is an application filed on behalf of party in person with a prayer that the relief mentioned in prayer clause (B) (1) and (2), in Contempt Petition No.324 of 2014, may kindly be paid early and then by prayer (C) the party in person prays for direction for payment of an amount to the tune of Rs.71,11,000/-. Initially the application was prosecuted by party in person and subsequently legal assistance is provided to him.

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2. On perusal of the entire material placed on record we are of the clear opinion that the application is based only on assumptions, presumptions and an opinion formed by the party in person himself. Perusal of the documents shows that the petitioner was before this Court in Writ Petition No.8777 of 2012, which was disposed of by this Court. In the first attempt, alleging that there is disobedience of the order of this Court, Contempt Petition No.198 of 2013 was filed. By a detailed order dated 7th August, 2013, the learned Single Judge of this Court found no favour with the applicant - petitioner and in clear and unambiguous terms it is observed that there is no disobedience on the part of the respondents. On the contrary, the respondents have paid an amount of Rs.70,227/- towards the interest and then the learned Single Judge observed that no case is made out to initiate contempt proceedings against the respondents. As such, contempt petition was disposed of. The notice issued also stood discharged.

3. Thereafter the second petition, namely, Contempt Petition No.324 of 2014 was filed in the very writ petition, namely, Writ Petition No.8777 of 2012. By order dated 2nd August, 2014, the Division Bench of this Court was pleased to observe that the petitioner had submitted a representation to the respondent authority of the Union of India and that representation was pending before the authority. A statement was made before this Court by the learned Asstt. Solicitor General that the respondents authorities of the Union of India would decide the representation of the petitioner as per the

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directions of the Central Administrative Tribunal. Accepting the statement of the learned Asstt. Solicitor General of India, the Division Bench of this Court directed the respondents to decide the application in accordance with law after giving personal hearing to the applicant in view of the order of the Central Administrative Tribunal in Original Application No.159 of 2012 expeditiously and within a stipulated period of six months. Along with the present application copy of the said representation/application dated 24th November, 2014 is also placed on record at Exh.R-8 (page 57). By this application/representation, the petitioner raised his grievance and claimed Rs.50 Lakhs. The Chief Post Master General, Maharashtra Circle, Mumbai found that the grievance of the petitioner in respect of interest was already satisfied in view of the judicial orders and in these judicial orders there was no reference to state that the petitioner was subjected to victimization for which he was claiming the damages. The authority, namely, Chief Post Master General found no merit in the claim raised by the petitioner in the application and accordingly the application is rejected by the authority. It was submitted by the learned Counsel for Union of India that against this order of the authority, Writ Petition No.3018 of 2015 is filed by the petitioner and the same is pending consideration of this Court.

4. Learned Counsel appearing on behalf of the applicant made a statement to submit before us that the order passed by the Chief Post Master General is in breach of the principles of natural justice, namely, no

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opportunity of hearing was granted to the petitioner. Now the petitioner has challenged the very order in Writ Petition No.3018 of 2015 by raising various grounds and the petitioner is not prevented to raise these grounds if it is not already raised in the petition by seeking appropriate permission of this Court and by amending the petition. In view of these peculiar circumstances, we are unable to entertain the application itself as it is only on assumptions and presumptions and a claim is made for an amount of Rs.71,11,000/- only on the guess work of the applicant himself without there being support of any legal provision. The present application thus being thoroughly meritless deserves to be rejected and the same is accordingly rejected. However, we make it clear that the petitioner is not prevented from prosecuting the petition which is filed in this Court, namely, Writ Petition No.3018 of 2015 and pending consideration of this Court.

(MANISH PITALE, J.)**(PRASANNA B. VARALE, J.)**

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