

(1)

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

**CONTEMPT PETITION NO.549 OF 2018
IN
WRIT PETITION NO.11185 OF 2015**

Raosaheb s/o Rambhau Bhalsing ..PETITIONER

VERSUS

Manukumar Shrivastava & ors. ..RESPONDENTS

**WITH
CONTEMPT PETITION NO.550 OF 2018
IN
WRIT PETITION NO.12290 OF 2016**

Shankar s/o Bhagwanta Nalkande ..PETITIONER

VERSUS

Manukumar Shrivastava & ors. ..RESPONDENTS

**WITH
CONTEMPT PETITION NO.551 OF 2018
IN
WRIT PETITION NO.12108 OF 2018**

Dattatraya s/o Rambhau Shete ..PETITIONER

VERSUS

Manukumar Shrivastava & ors. ..RESPONDENTS

**WITH
CONTEMPT PETITION NO.552 OF 2018
IN
WRIT PETITION NO.12102 OF 2016**

Baban S/o Shankar Aher ..PETITIONER

VERSUS

(2)

Manukumar Shrivastava & ors. ..RESPONDENTS

**WITH
CONTEMPT PETITION NO.553 OF 2018
IN
WRIT PETITION NO.12107 OF 2016**

Mahadu S/o Sahadu Pansare ..PETITIONER

VERSUS

Manukumar Shrivastava & ors. ..RESPONDENTS

**WITH
CONTEMPT PETITION NO.554 OF 2018
IN
WRIT PETITION NO.12289 OF 2016**

Usman S/o Ahmed Hawaldar ..PETITIONER

VERSUS

Manukumar Shrivastava & ors. ..RESPONDENTS

**WITH
CONTEMPT PETITION NO.555 OF 2018
IN
WRIT PETITION NO.11188 OF 2015**

Abasaheb S/o Tukaram Satpute ..PETITIONER

VERSUS

Manukumar Shrivastava & ors. ..RESPONDENTS

**WITH
CONTEMPT PETITION NO.556 OF 2018
IN
WRIT PETITION NO.12047 OF 2016**

Balu S/o Shankar Devikar ..PETITIONER

VERSUS

Manukumar Shrivastava & ors. ..RESPONDENTS

(3)

**WITH
CONTEMPT PETITION NO.557 OF 2018
IN
WRIT PETITION NO.12747 OF 2016**

Prakash s/o Sitaram Swantsarkar ..PETITIONER

VERSUS

Manukumar Shrivastava & ors. ..RESPONDENTS

**WITH
CONTEMPT PETITION NO.558 OF 2018
IN
WRIT PETITION NO.11183 OF 2015**

Arun s/o Baburao More ..PETITIONER

VERSUS

Manukumar Shrivastava & ors. ..RESPONDENTS

Mr A.N. Kakade, Advocate for petitioner;
Mr A.B. Girase, Government Pleader and Mr S.S. Dande, A.G.P. for
respondents no.2 & 4;
Mr S.C. Arora, Advocate for respondent no.3 in C.P. Nos.556 of 2018, 549
of 2018 & 558 of 2018

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

DATE : 23rd October, 2018

ORAL ORDER:

Contempt Petition No.557 of 2018 is detagged from the bunch of
these petitions.

(4)

2. The petitioners are before this Court with a grievance that though the order of this Court was passed on 6th September, 2017 in a bunch of petitions thereby directing that the petitioners shall be treated as permanent employees with effect from the date of their complaints i.e. from the date of filing of their respective ULPs till the respective dates of superannuation and further directing that in case of the petitioners who were already superannuated, it will be open for them to make a representation to the concerned authorities for grant of pensionary benefits, the said order is not complied with by the respondents authorities.

3. Learned Counsel appearing on behalf of the petitioners submits that in spite of aforesaid directions there was no progress in the matter and the petitioners are waiting for their pensionary benefits for a considerable long period.

4. Notice was issued by this Court to respondents no.2 and 4 on 30th July, 2018.

5. Mr Girase, learned Government Pleader appearing on behalf of respondents no.2 & 4 submits before us that though there is some delay in complying the order of this Court, the delay was for *bona fide* reasons. Mr Girase submitted that the authority, more particularly the Additional Chief

(5)

Secretary in his affidavit tenders his unconditional apology for the delay. Mr Girase invited our attention to the affidavit in reply and more particularly to the statement made in the affidavit in reply at paragraph 9. It is stated that the proposal of pension of the petitioners has been submitted on 31st August, 2018 to the Accountant General, Mumbai for sanction, treating the petitioners as permanent employees with effect from the date of filing of his U.L.P. A copy of the letter dated 31st August, 2018 is annexed to the affidavit in reply at Exh.C-4. Perusal of the said document shows that the proposal is forwarded to the Accountant General of State of Maharashtra and it is submitted that initially the pension was granted to the petitioners but in view of the order of this Court, the petitioners are treated as permanent employees and proposal for their family pension is submitted for necessary approval. In the communication it is further requested to grant the proposal.

6. Considering aforesaid factual aspects, we are of the opinion that there is substantial compliance of the order of this Court.

7. Mr Kakade submitted that as the petitioners are waiting for their rightful claim for a considerable long period, the Accountant General be directed to grant the proposal within a stipulated time frame. Though Mr Kakade prays for stipulation of the time frame, we are not inclined to fix such time frame. We only observe that we hope and trust that the

(6)

Accountant General would grant the proposal, needless to state on its merits,
as expeditiously as possible.

Contempt Petitions are accordingly disposed of.

(MANISH PITALE, J.)

(PRASANNA B. VARALE, J.)

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