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

**CONTEMPT PETITION NO. 714 OF 2015
IN
WRIT PETITION NO.5741 OF 2003**

Bhanudas s/o Pundalik Vispute
Age: 47 years, Occu: Service,
R/o. Kasar Galli, Tq. Sakhari,
Dist. Dhule ..PETITIONER

VERSUS

1. The State of Maharashtra,
Through its Principal Secretary,
Department of Revenue and
Forest, Mantralaya-32,
Mumbai.
2. Shri. Vikar Kharge,
Secretary,
Revenue and Forest Department,
Mantralaya-32, Mumbai.
3. Arvind Madhavrao Vispute,
Age: 57 years, Occ: Chief
Conservator of Forest,
Social Forestry Circle,
Nashik.
4. Mr. Surendrasing Devendrasing
Wadhai, Age: 56 years,
Occ: Assistant Director,
Social Forestry Division
Jalgaon. ..RESPONDENTS

Mr. Ajinkya Kale, Advocate h/f Mr. S.B. Talekar,
Advocate for petitioner;
Mr A. S. Shinde, A.G.P. for respondents

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**CORAM : PRASANNA B. VARALE &
S. M. GAVHANE, JJ.**

DATE : 14th JUNE, 2018

ORAL ORDER :

Writ Petition No.5741 of 2003 was filed by the petitioner seeking certain service benefits was allowed by this Court, by an order dated 9th March, 2015.

2. Learned Counsel appearing for the petitioner invited our attention to the order dated 9th March, 2015, passed by the Division Bench of this Court, which is placed on record at Exhibit-A along with contempt petition. The writ petition is allowed in terms of prayer clause (A) and (B). It will not be out of place to refer to prayer clause (B) in the petition, as prayer clause (A) was seeking quashment of the order passed by the administrative tribunal, which reads thus:-

“To direct the respondents to grant all the benefits of permanency including deemed

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date of seniority, annual increment, promotion, and time bound promotion to the petitioner treating that his services were regularised with effect from 10/03/1988 by issuing a writ of mandamus or any other appropriate writ, order or direction, as the case may be".

3. It was the grievance of the petitioner that though the order was passed by Division Bench on 9th March, 2015 and though the petitioner approached the authorities time and again so as to give effect to the order of this Court, no heed was was paid. As such, the petitioner left with no choice but to approach this Court. The Division Bench of this Court on 8th December, 2015 was pleased to issue simple notice to respondent Nos. 3 and 4 making the same returnable on 2nd February, 2016. On 26th April, 2018 learned A.G.P. submitted that reply affidavit is filed by the respondent and amount will be credited in the account of the

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petitioner.

4. The perusal of the affidavit dated 23rd April, 2018 shows that affidavit is filed by Mr. Surendra Dewaji Wadhai, who is working as Divisional Forest Officer, Social Forestry Division, Jalgaon. It is stated that due to certain procedural aspects, there was delay in taking necessary steps and deponent tenders his unconditional apology. It is also stated that deponent is having highest regards to the orders of this Court and but for certain procedural aspects, delay is caused.

5. The perusal of affidavit further shows that the order passed by the Division Bench of this Court dated 9th March, 2015 was assailed by filing special leave petition before the Hon'ble Apex Court and special leave petition was dismissed by an order dated 30th June, 2016. It is then stated that the petitioner has been given deem date of seniority by order dated 4th January, 2018, pay scale was also fixed, payment

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to that effect was also paid to the petitioner. It is then stated that promotion order is also issued in favour of the petitioner by competent authority i.e. C.C.F (T), Dhule by order dated 14th March, 2018. It is also then stated that Deputy Conservator of Forest, Nandurbar has passed further remunerative orders and the differences of pay and allowances. It is stated that difference of pay due to time bound promotion is yet to be disbursed, however, it is submitted that bill has been submitted to the Treasury Officer for further payment by the Deputy Conservator of Forest, Nandurbar office and it is likely to be paid in a day or two. Learned Counsel appearing for the petitioner fairly submitted that subsequent filing of the affidavit, the amount of difference of pay due to time bound promotion is received by the petitioner.

6. On perusal of the material placed on record and more particularly affidavit referred to above, it reveals that now only the

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procedural aspect of grant of revised pensionary benefits is remained to be complied with. The requisite formality of submitting the pension proposal to the office of Accountant General is also complied with. The proposal is submitted by way of letter dated 7th April, 2018. Learned A.G.P. submitted that the competent authority being Accountant General, the proposal though submitted, ultimate orders are to be passed by Accountant General, Mumbai for disbursement of this part of remunerative. Learned A.G.P. submits that deponent undertakes to take steps so as to request the office of Accountant General to pass appropriate orders, as expeditiously as possible, in the proposal letter submitted on 7th April, 2018.

7. The deponent would personally look into the matter and pursue the matter with the office of Accountant General for its expeditious disposal. Now, the major part of the order of this Division Bench is complied with and there is no stipulation of period but for bonafide

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intention of the authority and more particularly respondent to whom notice is issued as reflected in the statement referred by us above. We see no reason to keep contempt petition pending before this Court, as there is substantial compliance of the order of this Court and learned Counsel for the petitioner accepts the statement that officer concerned namely deponent would personally look into the matter and pursue the same to the office of Accountant General for early decision in the proposal.

8. We dispose of the contempt petition with above referred observations. If there is no decision by the office of Accountant General within reasonable period, the petitioner is at liberty to approach this Court to raise his grievance to that effect.

(S. M. GAVHANE)
JUDGE

(PRASANNA B. VARALE)
JUDGE