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

**CONTEMPT PETITION NO.706 OF 2017  
IN  
WRIT PETITION NO.8634 OF 2016**

Babasaheb s/o Kisan Raut,  
Age: 54 years, Occu: Pensioner,  
R/o Shendi, Tq. & Dist. Ahmednagar ..PETITIONER

**VERSUS**

Ghansham Mangale,  
Age: Major, Occu: Service,  
The Commissioner,  
Ahmednagar Municipal Corporation,  
Ahmednagar ..RESPONDENT

Mr S. S. Jadhavar, Advocate for petitioner;  
Mr V. S. Bedre, Advocate for respondent

**CORAM : PRASANNA B. VARALE  
AND  
SUNIL K. KOTWAL, JJ.**

**DATE : 29th October, 2018**

**ORAL ORDER:**

Heard Mr Jadhavar, learned Counsel appearing on behalf of the petitioner.

2. The petitioner is before this Court with a grievance that the order dated 4<sup>th</sup> May, 2017, passed by the Division Bench of this Court in Writ Petition No.8634 of 2016 is not complied with by the respondents and more particularly respondent – the Chief Officer of Ahmednagar Municipal Corporation.

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3. Perusal of the order dated 4<sup>th</sup> May, 2017 in Writ Petition No.8634 of 2016 shows that the Division Bench of this Court directed the Municipal Corporation, firstly to pay the admissible amount of gratuity and arrears of D.A. amount to the petitioner within four months and if the said amount is not paid within stipulated period, the Municipal Corporation will be liable to pay the interest on the said amount @ 6% p.a. Secondly, the Division Bench of this Court directed the Municipal Corporation to pay the arrears of 6<sup>th</sup> Pay Commission to the petitioner regularly in installments and thirdly, the petitioner was permitted to submit representation to the Municipal Corporation seeking commutation of pension amount and the Municipal Corporation was further directed to take a decision on the representation, if so filed, on its own merits within a stipulated period of two months from the date of the order.

4. Mr Bedre, learned Counsel appearing on behalf of the respondent submits that there is some delay in compliance with the order of this Court and today he hands over a cheque of amount of Rs.72,270/- to learned Counsel for the petitioner Mr Jadhavar. Mr Jadhavar hands over the same to the petitioner, who is present in this Court. Mr Jadhavar then submitted that as per his instructions, the third clause of the order passed in Writ Petition No. 8634 of 2016 is not complied with and it was submitted before this Court that though the petitioner made representation, it is pending before the respondent.

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5. Mr Bedre, learned Counsel for respondent submitted that the statement is made probably due to communication gap between the petitioner and learned Counsel. Mr Bedre invited our attention to the affidavit-in-reply filed on behalf of respondent Ghansham Chagan Mangale. He then invited our attention to the document placed on record along with the affidavit-in-reply on page 29 of the present petition. There is communication dated 20<sup>th</sup> June, 2017, informing the petitioner that the hearing on the representation of the petitioner is scheduled on 22<sup>nd</sup> June, 2017 at 4.00 p.m. in the chamber of the Additional Commissioner. The communication also refers to the order dated 4<sup>th</sup> May, 2017, passed by this Court. Then Mr Bedre invited our attention to the order dated 29<sup>th</sup> June, 2017, passed on the representation of the petitioner. By assigning the reasons, the representation is turned down.

6. Mr Jadhavar, learned Counsel for the petitioner though made an attempt to submit before this Court that the reasons assigned in the decision are contrary to the facts, as this Court has directed to the authorities to decide the representation and authority decided the same by assigning the reasons. If the petitioner is having any grievance about the decision, he is at liberty to approach before the competent forum by challenging the decision, if so advised. Whether the decision is appropriate or otherwise cannot be a matter for us and this consideration cannot be made in the present contempt

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petition as it would extend the scope of the contempt petition and we are not inclined to extend the scope of the contempt petition. Resultantly, the contempt petition is disposed of.

7. Mr Bedre, learned Counsel for the respondent submitted that the Chief Accountant of the Municipal Corporation Mr Mankar is present in this Court in compliance of the order of this Court.

**(SUNIL K. KOTWAL, J.)**

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

sjk