

IN THE HIGH COURT OF BOMBAY AT GOA.

CONTEMPT PETITION NO. 9 OF 2018

IN

WRIT PETITION NO. 509 OF 2015.

Eknath Gaude

... Petitioner.

Versus

Dharmendra Sharma and 2 ors.

... Respondents.

Mr. C. Padgaonkar, Advocate for the Petitioner.

Mr. S. Dhargalkar, Addl. Govt. Advocate for the Respondents.

***Coram:- N. M. JAMDAR &
PRITHVIRAJ K. CHAVAN, JJ.***

Date:- 18 June 2018

P.C.:-

By this Contempt Petition, the Petitioner has sought that the Respondents be proceeded under the Contempt of Courts Act for disobedience of the Order passed by this Court on 2 August 2017.

2. By order dated 2 August 2017, the Writ Petition filed by the Petitioner was allowed. The Inquiry Proceedings initiated against the Petitioner was quashed and set aside and the Respondents were directed to release pensionary and such other benefits to the Petitioner

within a time bound period. The Special Leave Petition filed by the State of Goa was dismissed in limine by the Apex Court on 8 December 2017. In spite of the dismissal of the Special Leave Petitions, since the amount was not disbursed, the Petitioner filed this Contempt Petition. The Contempt Petition was adjourned from time to time. On 6 March 2018 it was noted that it is open to the Respondents/Authority to take remedial steps.

3. An affidavit in reply has been filed on behalf of the Respondents by the Director of General of Prisons. The Respondents have tendered their unconditional apology and have stated as to why there was delay. Statement is made that the amount has been released to the Petitioner. The learned Additional Government Advocate states that as per accounts and calculations as per record of the Respondents/State amount has been disbursed to the Petitioner. We accept the unconditional apology so tendered and note the statement that the amount as per the accounts maintained by the Respondents/State has been paid to the Petitioner.

4. The learned Counsel for the Petitioner submitted that there is an error in the calculation adopted by the Respondents. To consider this grievance of the Petitioner, we have to be mindful of the

fact that the Petitioner has invoked contempt jurisdiction of this Court. Contempt jurisdiction is not meant only for execution of order, considering the facts and circumstances, we are not inclined to proceed further in the Contempt jurisdiction. We note that the Authority have tendered their unconditional apology and have complied with the order as per their official records. The Petitioner can point out to the Respondent Authorities, if there is any short fall, by making a representation, which the Authorities will consider as per law.

5. Contempt Petition is accordingly disposed of.

PRITHVIRAJ K. CHAVAN, J.

N. M. JAMDAR, J.