

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CONTEMPT PETITION NO. 395/2016
IN WRIT PETITION NO. 3133/2016.

Ajay Shankarrao Bombekar and others.

-VERSUS-

Shri Sanjay Kumar, Secretary, Women and Child Development Deptt. Mantralay, Mumbai and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

CORAM : B. P. DHARMADHIKARI &
MRS. SWAPNA JOSHI, JJ.

DATE : FEBRUARY 05, 2018.

Heard Shri N.A. Chawhan, learned counsel
for petitioners and Shri A.M. Gordey, learned Senior
Counsel with Shri A.M. Deshpande, learned A.G.P. for
respondents.

2. Though grievance of 11 petitioners has
been redressed, according to learned counsel for the
petitioners, petitioner no.1 has been made a scape
goat. It is pointed out that amount of arrears of salary
payable to him works out to Rs.3,64,070/- and
accordingly a cheque was actually drawn. However,

2

while paying him now, an amount of Rs. 2,59,716/- has been disbursed. Balance amount has been withheld only to victimize him.

3. Learned Senior Counsel has produced before this Court a communication dated 25.01.2018, sent by the Secretary to the Office of the Government Pleader. The said communication shows some enquiry against petitioner no.1 and charge is of unauthorized issuance of cheques.

4. Learned Senior Counsel submits that to recover amount of those cheques, full payment has not been made to petitioner no.1. He further states that Principal Secretary is ready and willing to file affidavit in this respect on record, if time is granted.

5. As communication is produced by the office of the Government Pleader, we direct that its copy be given to the learned counsel for the petitioner. The said copy is taken on record and marked as “**Exh.X**” for identification.

6. Question – Whether initiation of enquiry is for a stale cause or it constitutes victimization of petitioner no.1, cannot be looked into in this jurisdiction.

3

7. We permit petitioner to receive the amount as offered to him by the respondents and it shall be without prejudice to his rights and contentions in the matter.

8. With liberty to him to raise appropriate challenge in appropriate jurisdiction to the action initiated, we dispose of the Contempt Petition. No costs.

JUDGE

JUDGE

Rgd.