

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

934 CONT. PETITION NO.182 OF 2019
IN WP/9556/2018

SUDHAKAR DNYANSHWAR KAMLKAR
VERSUS
U. P. S. MADAN AND OTHERS

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Advocate for Petitioner : Mr.Salgare Vitthal G.
AGP for Respondents: Ms. M.A. Deshpande

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

DATE : 28th MARCH, 2019

O R D E R :

Heard learned counsel for the petitioner. The grievance of the petitioner is that the order of this Court dated 28.2.2018 is not complied with, as such the action is initiated against respondents for non compliance of the order invoking the provisions of the Contempt of Courts Act. Certain affidavits are necessary to state the parameters to appreciate the submissions of the learned counsel and then, the reasons being assigned by us for disposal of the petition at the admission stage. The petitioner filed the Writ

Petition and the petitioner is one of the petitioner in Writ Petition No. 9554 of 2018 and other connected petitions.

2. All these petitioners prayed for issuance of directions to respondents to grant them pensionary benefits as per 6th pay Commission fixed by to the petitioners, in view of the recommendations of 6th Pay Commission benefits from the date of retirement till the date of filing of the petition along with interest.

3. The Division Bench of this Court on finding that issue raised by the petitioners is no more res-integra and already covered by the decision rendered by this Court in the matter of Savitribai Narssayya Gaddapa v. The State of Maharashtra and others reported in 2014 (6) Mh. L.J. 438 and further observing that the decision of this Court is confirmed by the Hon'ble Apex court while disposing

the Special Leave to Appeal No. 13140 and 13151 of 2015 dated 11.10.2017 directed respondents to grant pensionary benefits to the petitioner, in accordance with the judgment delivered by this Court in the matter of Savitribai Narssayya Gaddapa v. The State of Maharashtra and others (supra) is placed on record at (Exh. 8) and the copy of the Apex Court order is also placed on record. It is submitted by Mr. Salgare, learned counsel that inspite of the order passed by the Division Bench of this Court, dated 28.8.2018 and inspite of direction of Division Bench to the State Government to pay benefits within stipulated period i.e. within three months in the matter of Savitribai Narssayya Gaddapa v. The State of Maharashtra and others(supra), and inspite of the petitioner approaching the authority with representation dated 3.9.2018, apprising authority, the facts and situation, no heed is paid to the grievances raised by the petitioner, that too on the back drop of the orders of this Court. The learned

counsel also invited our attention to the exchange of communication between the Prison Authority and the Additional Chief Secretary (Home Department). Considering the grievances of the petitioner, we thought it fit to seek response from the State Government. Learned Assistant Government Pleader was fair enough to submit before us that the State Government considering the order of this Court passed resolution, submitted that if some time is granted she may place on record the copy of Government Resolution for the perusal of this Court. Learned Assistant Government Pleader then made available the copy of Government Resolution dated 27.12.2018 for our perusal. The title of the resolution itself reads that it is in relation to the modification and correction in respect of the monitory benefits to those employees, who stood retired between the period of 1.1.2006 to 26.2.2009, then in the Government Resolution, a reference is made to earlier Government Resolution dated 30.10.2009 and a

Corrigendum effected on 15.12.2009, then in the opening part of the Resolution itself the reference is made to the decision of the Division Bench of this Court in Writ Petition No. 8985 of 2011, in the matter of Savitribai Narssayya Gaddapa v. The State of Maharashtra and others(supra) in clear terms observed that

“the benefits granted to those employees who stood retire on dated 1.1.2006 and 26.2.2009, the State Government also thought it fit, to refer into Government Resolution that the arrears of these monitory benefits and or arrears be granted to the employees in lumpsum meaning thereby not to award in piece meal or installments. The State Government also took into consideration and stated in the Government Resolution that all the necessary procedural formalities be completed to see that sufficient finance is made available and in Clause 10 of the Government Resolution it is stated that this requirement of the finances be submitted in the Additional/Supplementary demand”.

4. Thus, on perusal of the Government Resolution dated 27.12.2018, we are of the opinion

that the State Government by giving due consideration of the order of this Court, issued Resolution for redressal of the grievances of the petitioner or employees and similarly situated with the petitioner. The Writ Petition of the petitioner is prior to 27.12.2018. In view of the Government Resolution dated 27.12.2018, we see no reason to entertain the Contempt Petition. The petitioner may, on being so advised, submit representation to the respondents, taking recourse to the Government Resolution dated 27.12.2018. If such representation is filed, the authority to consider the representation as expeditiously as possible.

5. The petition is disposed of with liberty as above.

(SUNIL K. KOTWAL, J.)

(PRASANNA B. VARALE, J.)

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