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

**CONTEMPT PETITION NO.200 OF 2015
IN
WRIT PETITION NO.2719 OF 2000**

Julekhabhi w/o Late Mohd. Yasin,
Age: 75 years, Occu: Household,
R/o. C/o. Jaher Khan Alias Khalu driver,
Kazipura, Ta. Basmatnagar,
Dist. Parbhani

..PETITIONER

VERSUS

1. Dr. V. T. Bhukan,
The Superintendent,
State Excise Office,
Parbhani
2. Mr. Dinesh Raibhanji Patil,
The Accountant General (A&E),
Maharashtra State, Nagpur
3. Mrs Radhika Rastogi,
Secretary,
State of Maharashtra

..RESPONDENTS

Ms Anagha Pedgaonkar, Advocate holding for Mrs Kalpalata
Bharaswadkar, Advocate for petitioner;
Mr A. B. Girase, G.P. for respondent/State;
Mr A. B. Dhongade, Advocate for respondent No.2

**CORAM : PRASANNA B. VARALE
AND
AVINASH G. GHAROTE, JJ.**

DATE : 11th October, 2019

ORAL ORDER:

By a detailed order dated 11th September, 2019, this Court had expressed its displeasure for the casual approach of the respondents-authorities and at the cost of repetition, we reiterate that on an admitted fact that the family pension was not granted, the petitioner was required to knock the doors of this Court by filing writ petition in the year 2000 and then on a grievance of non-compliance of the order of this Court, the contempt petition is filed in the year 2015. When the petition was filed, the petitioner was of 60 years of age and when the contempt petition came up for orders before this Court, the petitioner is more than 80 years of age. This Court then directed the respondents-authorities to file affidavit-in-reply with a hope that better sense would prevail over the authorities.

2. Today, Mr Dhongade, learned Counsel appearing on behalf of respondent No.2 invited our attention to the affidavit-in-reply and the annexure i.e. Exh.'A' collectively. Perusal of the affidavit-in-reply and the documents placed on record at annexure show that the order of this Court is now duly complied with and the document i.e. the pension payment order dated 18th September, 2019 is annexed to the affidavit-in-reply. As such, the contempt petition is disposed of.

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3. Though the order of this Court is now duly complied with and the grievance of the petitioner no more survives, it only leaves us with a sour aftertaste of a sorry state of affairs and the apathetic approach of the authorities. A lady, in her advanced age was required to approach this Court for grant of family pension and this could have been the only source of financial assistance to the lady and that too a paltry amount of Rs.60/- and for that, the petitioner was required to file writ petition in the year 2000 and filed the contempt petition in the year 2015 and further was required to wait to get the fruits of the order of this Court for more than four years. We can only say that the authorities, had they acted with a little sensible, logical and sympathetic approach, the petitioner would not have been required to knock the doors of this Court time and again and to fight a legal battle for nearly 18 years.

4. The authorities are entitled to consider the cases on merits but that does not mean that the authorities can do it in their leisure time and delay the decision on issues like family pension under the guise of the procedural non-conformity. It is common knowledge that the benefit of family pension is some source of financial assistance to an employee or his dependents consequent to his retirement and there is certainly the legitimate expectation of any employee, who had worked for the institution/organization for sufficient length of period that he

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would get his benefits within a reasonable period and for this benefit, the employee gives his contribution to the institution/organization for the entire period of service.

5. Treating this matter as an example, by invoking our power under Article 226 of the Constitution of India, we hereby direct the respondents-authorities that henceforth, the authorities will take all possible steps to see that the cases of pensionary benefits are decided within a reasonable period and not later than eight weeks i.e. two months from the date of receipt of the pension papers to the appropriate authorities. We further make it clear that if there is an inordinate delay and if for this delay, the officer of institution/organization or the officer from the office of the Accountant General is responsible, such erring officer would be held personally liable and will face actions including punitive action and the action covered under the service rules, and the liability to pay interest from own pocket, for the period delay caused due to him/her.

6. The copy of this order be forwarded to the office of the Accountant General, Maharashtra State, Nagpur, all the department heads of Maharashtra State, the Divisional Commissioners, the Collectors of the districts of Maharashtra, the Inspector General of Police, the Commissioner of Police at commissionerate level and the

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Superintendent of Police of all the districts of the State of Maharashtra, and all pension processing authorities in the State.

7. Authenticated copy of this order also be supplied to learned Government Pleader to communicate this order to the department heads of the various departments of the State of Maharashtra.

The contempt petition is disposed of accordingly.

(AVINASH G. GHAROTE, J.) (PRASANNA B. VARALE, J.)

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