

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CONTEMPT PETITION NO.383 OF 2019
IN
WRIT PETITION NO. 10300 OF 2018

Nusratjahan Mohammad Maqsood.

Petitioner

Versus

Surajprasad Jaiswal and others.

Respondents

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Mr. D.R. Irale Patil, Advocate for the petitioner.

Mr. R.A. Tambe, Advocate for respondent No.1.

Mr. J.H. Deshmukh, Advocate for respondent Nos.2 and 3.

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

DATE : 27 September 2019.

ORDER :

. Heard Mr. Irale Patil, learned Counsel for the petitioner, Mr. R.A. Tambe, learned Counsel for respondent No.1 and Mr. Deshmukh, learned Counsel for respondent Nos.2 and 3. Mr. Deshmukh filed reply affidavit on behalf of respondent Nos.2 and 3.

2. By the order dated 31 January 2019 the Division Bench of this Court was pleased to observe that the issue of recovery sought for from the petitioner to the tune of Rs.1,09,474/- can be considered by the Zilla Parishad and on a submission that

the pension amount is not yet sanctioned to the petitioner, the Division Bench further observed that pensionary benefits shall be released in favour of the petitioner. On a grievance of non-compliance of this order, the present Contempt Petition is filed.

3. Mr. Tambe, learned Counsel for respondent No.1 placed on record compilation of documents. The same is taken on record and marked as 'X' for identification. Mr. Tambe invited our attention to the communication forwarded to the Education Officer (Primary), Senior Accounts Officer (Pension Branch), Accountant General of Maharashtra State, Nagpur dated 19/25th September 2019 and submitted that in view of the order of this Court dated 31 January 2019, Zilla Parishad undertook an exercise of hearing of parties so as to consider the issue of recovery sought for from the petitioner. Mr. Tambe, the learned Counsel then submitted that the communication dated 19/25th September 2019 specifically refers to the hearing and a conclusion was drawn that the amount to the tune of Rs.1,09,474/-, which was sought to be recovered from the petitioner, was not released in favour of the petitioner. In so far as the issue of grant of pensionary benefits, Mr. Tambe submitted that the Education Officer forwarded communication

to the Senior Accounts Officer and it is submitted that necessary orders be issued for grant of pensionary benefits to the tune of Rs. 3,17,985/- and by following due procedure the Senior Accounts Officer would take appropriate decision and issue necessary orders expeditiously.

4. Mr. Irale Patil, learned Counsel for the petitioner, on perusal of the communication dated 19/25th September 2019, submits that now the grievance of the petitioner no more survives and accepting this statement of the learned Counsel for the petitioner, we see no reason to pass any further order in the Contempt Petition.

5. The Contempt Petition is accordingly disposed of.

(AVINASH.G. GHAROTE, J.)

(PRASANNA B. VARALE, J.)

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