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

**CONTEMPT PETITION NO.775 OF 2019
IN
WRIT PETITION NO.2514 OF 2017**

Shivraj s/o Vaijanath Kangale,
Age: 76 years, Occu: Retired,
R/o. Hokarna, Po. Wanjarwada,
Tq. Jalkot, Dist. Latur

..PETITIONER

VERSUS

1. Sudhir Kumar Goyal,
The State of Maharashtra,
Through its Principal Secretary,
Agriculture Department
2. V. V. Deshmukh,
The Agriculture Commissioner,
Agriculture Commissionerate,
Maharashtra State, Pune
3. F. C. Jagtap,
The Divisional Agriculture
Joint Director,
Latur Division, Latur
4. Pratapsingh Kadam,
The Divisional Agriculture,
Joint Director,
Aurangabad Division, Aurangabad
5. Rajendra Nikam,
The District Superintending
Agriculture Officer,
Beed

..RESPONDENTS

Mr S. C. Swami, Advocate for petitioner

**CORAM : PRASANNA B. VARALE
AND
ANIL S. KILOR, JJ.**

DATE : 4th December, 2019

ORAL ORDER:

By way of the present contempt petition, the petitioner raises the grievance of non compliance of the order dated 13th April, 2017, passed by this Court in Writ Petition No.2514 of 2017. It was submitted before this Court that by the said order, the respondents-authorities were directed to make the payment to the petitioner.

2. On perusal of the order dated 13th April, 2017, it reveals that the order of the Maharashtra Administrative Tribunal which was the subject matter of the writ petition was only modified by this Court and there was no independent direction issued by this Court to any of the respondents – authorities, more particularly para 7 of the order deals with the part of the modification of the order of the Tribunal which reads thus :-

"7. In the light of above, the impugned order of the Maharashtra Administrative Tribunal, Mumbai, Bench at Aurangabad is modified only to the extent that the services of the petitioner shall be counted till the date of his superannuation which is 30th November, 1999. The petitioner shall not be entitled for any arrears of salary or interest on gratuity till that date. The services of the petitioner shall however be counted as qualifying service for the purpose of pensionary benefits till the date on which he would have attained the age of superannuation. "

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3. Thus, again at the cost of repetition, we state that what was recognized by this Court was, continuity of the service of the petitioner till the specified date i.e. date of his superannuation i.e 30th November, 1999 and the petitioner's other claim for arrears of salary or the interest on gratuity, etc. was turned down by this Court.

4. It was submitted by learned Counsel for the petitioner by inviting our attention to the copy of the extract of the bank account of the petitioner to submit that the petitioner was entitled to receive total amount to the tune of Rs.9,60,247/- as the difference and the arrears of the amount, whereas the petitioner received only Rs.7,53,486.69. It is very difficult to accept the statement of learned Counsel for the simple reason that no pension order is placed on record. An attempt was made to show that the petitioner was entitled to receive amount of Rs.9,60,247/-. The documents so placed on record do not bear either signature or the seal of any authority and again, when our attention was invited to the copy of the bank statement, we could find that there are two entries against the head 'Pension'. First entry is of 21st February, 2019 to the tune of Rs.7,52,858/- and the second entry in the very extract is of 28th February, 2019 to the tune of Rs.22,286/-. When a specific query is put to learned Counsel for the petitioner as to what is the explanation for the second entry, he submitted before this Court that instructions received by him are only in respect of the first entry

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i.e. entry of 21st February, 2019 referring to the amount to the tune of Rs.7,52,858/-.

5. We are surprised to note the approach of the petitioner, who is coming before this Court by filing the contempt petition with an expectation that the respondents should face the wrath of this Court for non compliance of the order of this Court and at the same time, is so casual to take a specious plea that he can instruct his lawyer only partly and if some part is sought to be explained as expected by this Court, the petitioner would wait for an opportune time to provide other part of instructions to his lawyer. This is certainly not an approach to be appreciated by this Court. On this count alone, we could have dismissed the petition, but for the issue raised in the petition is of non receipt of pensionary amount, we permit the petitioner to withdraw the present contempt petition, with liberty to file appropriate contempt petition with all necessary material.

Accordingly, the petition is permitted to be withdrawn and same is disposed of as withdrawn.

(ANIL S. KILOR, J.)

(PRASANNA B. VARALE, J.)