

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

**CIVIL APPLICATION NO. 1806 OF 2020
IN
CONTEMPT PETITION NO. 486 OF 2019
IN
WRIT PETITION NO. 667 OF 2018**

Lilabai Trimbak Bhale

..APPLICANT

VERSUS

Vandana Krushana and Others

..RESPONDENTS

....

Mrs. M.R. Jamdhade, Advocate for applicant

Mr. S.S. Dande, A.G.P. for respondent no.1

Mr. S.B. Pulkundwar, Advocate for respondent nos. 2 and 3

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CORAM : PRASANNA B. VARALE AND

R.G. AVACHAT, JJ.

DATED : 06th MARCH, 2020

PER COURT :

This is an application seeking withdrawal of amount deposited by the Respondent nos. 2 and 3 under directions of this Court.

2. Heard learned Counsel for the applicant.

3. Mr. Pulkundwar, learned Counsel for Respondent Nos. 2 and 3 submitted before this Court that a review petition is filed seeking review/recall of order of this Court dated 21st June, 2018 and the same is

posted before the Court on 17th April, 2020. Learned Counsel opposed prayer for withdrawal and prayed some time to file reply to the application.

4. Out attention was invited to order of this Court dated 18th December, 2019. Regarding the relevant facts, including the fact of filing review petition by the respondents, this Court arrived at a conclusion that the authorities' approach is nothing but a casual approach. This Court also referred to a material fact viz. the age of the petitioner i.e. the petitioner, who is a lady, of 70 years of age. At the cost of repetition we again refer to order of Division Bench dated 21st June, 2018 of which non compliance is alleged in the present contempt petition. Division Bench directed the respondent authorities to confirm for itself the date of appointment of the petitioner and eligibility of the petitioner as well, whether the petitioner holds necessary qualification and then further observed that on such verification the petitioner be declared as trained teacher and accordingly he shall be entitled to draw initial salary in the pay band of Rs.1,200-2,040 since 1986 and the pay band of Rs.4,500-7,000 since 1996. Division Bench in the order itself stipulated the time period to complete this exercise and that was of six months. The petitioner then immediately submitted representation dated 25th October, 2018 to the Chief Executive Officer, Zilla Parishad, Hingoli requesting the authority to undertake the exercise as directed by this Court and release the amount of pension. Then legal notice is issued to the Chief

Executive Officer on 20th April, 2019. No heed was paid either to the first representation or even to the legal notice issued to the Chief Executive Officer, Zilla Parishad, Hingoli. The fact remains that till date the respondent – Zilla Parishad, Hingoli had not even completed the exercise of verification of the claim.

5. As such, we are of the opinion that the interest of justice can be served by permitting the applicant to withdraw an amount of Rs.50,000/- (Rupees Fifty Thousand) out of the amount of Rs.2,00,000/- i.e. Rs.1,00,000/- deposited by each of Respondent Nos. 2 and 3. At the request of Mr. Pulkundwar, application is disposed of accordingly with liberty to the applicant that if there is no further progress in the review petition for considerable period, the applicant is at liberty to file fresh application seeking further withdrawal.

(R.G. AVACHAT, J.)

SSD

(PRASANNA B. VARALE, J.)