

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

946 CONTEMPT PETITION NO.257 OF 2020
IN WP/6847/2017

DR. GOVIND RAMRAO PAWAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. H.K. Munde, Advocate for the petitioner.
Mr. S.B. Yawalkar, A.G.P. for respondents no.1 to 4.

...

CORAM : SUNIL P. DESHMUKH AND
ABHAY AHUJA, JJ.

DATE : 4th February 2021.

PER COURT :-

1. While, contempt is imputed of order dated 10th December 2019 under which Rule in the writ petition has been issued and in paragraph 4 it has been observed thus :

“4. So far as retiral benefits are concerned, the respondents shall work out the pension proposal of the petitioner, keeping in view the government resolution dated 27th February, 2017. The process for retiral benefits of petitioner accordingly should take place expeditiously, preferably within three months from the date of uploading this order”.

2. Respondent no. 3 in the affidavit-in-reply to the contempt petition, refers to as under :

“a. ...

b. ...

c. ...

d. ...

e. ...

f. *The Respondent No.3 issued an order thereby determining 2 pensionary proposals i.e. one, Actual Pensionary Benefits to the Petitioner and second, Pensionary Benefits as per the Government Resolution dated 27th February 2017 from the said date. Hereto annexed and marked at Exhibit "R-4" is the copy of said order dated 27th February 2017. The Respondent No. 3 also communicated the said order to the Pay Verification Committee along with a Service Book of the Petitioner.*

g. ...

h. *The Office of the Accountant General vide letter dated 26th February 2020, approved pension proposal of actual pensionary benefits and as far as second proposal for pensionary benefits as per Government Resolution dated 27th February 2017 is concerned, the same was returned for want of signature of the Petitioner on Form A and also directed the Respondent No. 3 to send the same after getting signatures of the Petitioner. It is once again pertinent to note that the said order was communicate to the Petitioner and the Petitioner was well aware about the said fact.....*

i. ...

j. ...

k. *The Petitioner on 26th June 2020 attended the office of Respondent No. 3 and signed on the said Form A and thereafter immediately on the same date, the Respondent No.3 vide his letter dated 26th June 2020, sent the said corrected proposal to the Office of the Accountant General for approval and the said fact was also informed to the Petitioner.....*

l. ...

m. ...

n. The Respondent states that in compliance of the order dated 10th December 2019 passed by the Hon'ble High Court at Aurangabad Bench, the Respondent No.3 vide its letter dated 4th February 2020 had sent two pension proposals of the Petitioner to the Office of the Accountant General (A & E) – II, Nagpur for approval and the Office of the Accountant General (A & E) – II, Nagpur approved one pension proposal on 26th February 2020 and second pension proposal as per the Government Resolution dated 27th February 2027 was approved on 31st July 2020. I further say that, as per the abovementioned approval the Petitioner is liable to receive pension and gratuity.

3. Having regard to aforesaid, we do not see that any case can be said to have been made out for contempt of aforesaid order of the court.

4. Contempt petition, therefore, is rejected.

5. Mr. Munde, learned counsel appearing for the petitioner purports to refer to other events contending to be affecting the petitioner, so far as those are concerned, contempt would not be any remedial measure.

(ABHAY AHUJA, J.)

(SUNIL P. DESHMUKH, J.)