

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CONTEMPT PETITION NO. 471 OF 2019

Suvarna Vinodkumar Patil

... Petitioner

Versus

The State of Maharashtra and Ors.

... Respondents

Mr. Y.B. Lengare a/w Mr. Wilson Robie for the Petitioner.

Mr. N.C. Walimbe, AGP the Respondent Nos. 1 and 2.

**CORAM: R. D. DHANUKA AND
ABHAY AHUJA, JJ.**

DATE : 28th OCTOBER, 2021.

P.C. :-

1. Pursuant to the order passed by this Court on 11th October 2021, Mr. Walimbe, learned AGP for respondent nos. 1 and 2, tender a copy of the order dated 25th October 2021 passed by Eknath Ambekar, Education Officer, (Secondary), Zilla Parihad, Kolhapur, holding that the petitioner would be entitled to benefit under new pension scheme and not under Maharashtra Civil Services (Pension Rules).

2. Learned counsel for the petitioner states that the petitioner is entitled to get pension under old scheme and not under new scheme. The petitioner is at liberty to file appropriate proceedings to challenge the said order dated 25th October, 2021 and to accept the amount which shall be payable as per the said order dated 25th October, 2021, without prejudice to the rights and contentions of the petitioner.

3. Mr. Walimbe, learned AGP for respondent nos. 1 and 2, on instructions of the Education Officer ((Secondary), Zilla Parishad, Kolhapur, who is present in the Court states that the amount due and payable according to the order dated 25th October,2021, would be paid to the petitioner within three weeks from today. Statement made by Mr. Walimbe, learned AGP is accepted as an undertaking to this Court. The petitioner is at liberty to accept the amount without prejudice to the rights and contentions and file appropriate proceedings for challenging the said order.

4. In view of the order passed by the Education Officer on 25th October,2021, we are not inclined to initiate any action of contempt under the provisions of the Contempt of the Courts,1971.

5. The Contempt Petition is disposed of in the aforesaid terms. There shall be no order as to the costs.

6. The parties to act on an authenticated copy of the order.

[ABHAY AHUJA, J.]

[R. D.DHANUKA, J.]