

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Contempt Petition No.100/2019

IN

Writ Petition No.1290/2015

Baleshwar Pandey Vs. Deputy Inspector General of Police and 2 others

*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

Court's or Judge's Orders

Dr. Renuka Sangram Sirpurakar, Advocate for the petitioner.
Shri Abhijeet Deshmukh, Advocate holding for Shri
U.M.Aurangabadkar, Assistant Solicitor General of India for
respondent nos.3 and 4.

**CORAM : A.S.CHANDURKAR AND
PUSHPA V. GANEDIWALA, JJ.**

DATE : 07/09/2021

1. The grievance of the petitioner in this contempt petition is the non-compliance of the directions issued by this Court in Writ Petition No.1290/2015. By the judgment dated 1st March, 2016, the respondents were directed to release the arrears of full compensation pension and other retiral benefits to the petitioner within a period of two months. The petitioner was held entitled to statutory interest on the amount payable to the gratuity from the date of filing of the petition, which was dated 28.1.2015.

2. After the contempt petition was filed, an affidavit has been filed on behalf of the respondents indicating compliance with the aforesaid directions. In the affidavit dated 21.6.2021, it has been stated that on account of over payment of pay and allowances due to the re-fixation of pay of the petitioner an amount of Rs.3,49,149/- was over-paid and the same was sought to be recovered.

3. According to the learned counsel for the petitioner, such recovery would be impermissible, in view of the fact that the amount of entitlement that was determined earlier was correct. By filing further affidavit, the order dated 4th August 2021 is placed on record to indicate that the earlier order of re-fixation dated 10.9.2018 has been cancelled.

4. It is not in dispute that the arrears of compensation pension and other retiral benefits have been released in favour of the petitioner. The grievance that now survives is the correctness of the deduction of the amount of Rs. 3,49,149/- as well as incorrect pay fixation.

5. We find that this Court would not be in a position to adjudicate upon the correctness or otherwise of the aforesaid aspects. If the petitioner is aggrieved by the deduction of the aforesaid amount and incorrect pay fixation, he is free to take such steps as permissible in law.

6. In the light of compliance of the directions issued earlier, contempt petition is disposed of. No costs.

JUDGE

JUDGE

Ambulkar.