

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**NAGPUR BENCH : NAGPUR****Contempt Petition No.81/2018 In Writ Petition No.4844/2016 (D)**

(Omprakash Yadav V Shrikant Singh, Secretary, Home Department, Maharashtra State,
Mumbai and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Vishal Anand, Adv for petitioner.
Shri N.R. Patil, AGP for resp. nos.1 to 4.

CORAM : A.S. Chandurkar & N.B. Suryawanshi, JJ

DATE : 20-01-2021.

The petitioner had approached this Court by filing Writ Petition No.4844/2016 praying that the State of Maharashtra through its Secretary, Home and General Administration Department be directed to grant a freedom fighter certificate in the name of the petitioner's father and also grant freedom fighter pension. On 06-03-2017 this Court directed the respondents to examine the status of the petitioner's father as freedom fighter within a period of three months and to issue necessary certificate in that respect. As this was not done for considerable time the petitioner has filed the present Contempt Petition.

2. After notice was issued to the respondents an affidavit was filed by the Collector, Gondia in which it was stated that as per the communication received from the Superintendent, Central Jail, Jabalpur the records of the relevant period had been destroyed and therefore the necessary details could not be verified. Thereafter, this Court had directed the Divisional Commissioner to verify the source of information that was considered by the Additional District Magistrate, Bhandara while issuing the letter dated 14-02-1992. In the affidavit filed by the Divisional

Commissioner it was initially stated that after making various efforts no record pertaining to the aforesaid was found in the office of the Collector, Bhandara or the Collector, Gondia. Thereafter, a fresh affidavit has been filed on behalf of the Collector, Bhandara in which it has been stated that the outward register for the year 1992 could not be traced. This was after constituting a Search Committee.

3. It is thus seen that in the absence of the relevant record it has not been possible for the respondents to verify the status of late Shri Nihali Gawali and take further steps.

4. The order of which contempt is alleged requires the respondents to examine the status of the petitioner's father as freedom fighter. We find from the efforts taken by the respondents that they have tried to search the old records but have not been successful in doing so. There does not appear any wilful disobedience on the part of the respondents in the effort to examine the status of the petitioner's father. The communication dated 21-08-2017 issued by the Resident Deputy Collector, Gondia reflects the same and expresses inability to issue such certificate conferring freedom fighter status to the petitioner's father.

5. In that view of the matter, if the petitioner is still not satisfied with the aforesaid he is free to challenge the communication dated 21-08-2017. The present contempt proceedings are accordingly disposed of.

(Judge)

(Judge)