

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

**CONTEMPT PETITION NO.309 OF 2022  
WITH  
INTERIM APPLICATION (ST) NO. 24821 OF 2022  
IN  
CONTEMPT PETITION NO.309 OF 2022**

Asha Krishnaji Kulkarni

.... Petitioner.

V/s

State of Maharashtra & Ors.

..... Respondents.

Ms. Aditi S. Naikare for the Petitioner.

Smt. P. J. Gawhane, AGP for Respondent Nos. 1 to 4.

Mr. Ajit J. Kenjale a/w. Adv. Sai R. Kadam for Respondent Nos. 6 & 10

Mr. Omprakash Deshmukh, Commissioner, Person with disabilities present.

Mr. Bapu Solank, the Regional Dy. Commissioner, Social Welfare, Pune Region, present.

Smt. Sapana Gholave, District Social Welfare Office, Zilla Parishad, Satara present.

**CORAM : NITIN W. SAMBRE &  
SHARMILA U. DESHMUKH, JJ**

**DATED : 23<sup>rd</sup> DECEMBER, 2022**

**P.C.:**

1. Learned counsel for the petitioner assures that all the necessary assistance shall be rendered by the petitioner to the respondent nos. 2 to 4 for processing the pension papers of the petitioner. He further assures that the petitioner shall appear before the respondent no. 4-District Social Welfare Officer, Zilla Parishad, Satara on 29/12/2022 on 11.00AM. We direct the

Respondent no. 2 to 4 to submit pension papers with complete in all respect to the Office of Accountant General within four weeks thereafter.

2. We direct the office of the Accountant General to process the pension papers of the petitioner once submitted by the respondent nos. 2 to 4 expeditiously and in any case within a period of four weeks from the receipt of the same. We direct the Office of Accountant General to submit the compliance report before this Court through AGP of sanctioning and releasing the pension of the petitioner.

3. The respondent no. 2-Commissioner for Persons with Disability Welfare Commissionerate is personally present in the Court and has made a categorical statement through AGP that the pay fixation of the petitioner is already completed on 22/12/2022. The said officer further assures that the since the petitioner has retired in 2019 all her pensionary benefits shall be released in any case within above mentioned period. Since the statement is made on instructions, same is accepted as an undertaking.

4. It is further clarified that the respondent nos. 2 to 4 shall process the papers of the petitioner for leave encashment within a period of three months from today as has been undertaken before

this Court by the said respondents.

5. This Court on 21/12/2022 has framed charge against the respondent nos. 6 & 10 as the orders of this Court were not complied with. The respondent nos. 6 & 10 are personally present in the Court and has tendered unconditional apology. Apart from above, in view of an undertaking given by the respondent nos. 2 to 4, the compliance of the order of this Court is taken to its logical end.

6. In this background, the apology tendered respondent no. 10-Shobha D. Giramkar, Head Mistress of Deaf and Dumb School is accepted. We discharge contempt notice against respondent no. 10-Shobha D. Giramkar, Head Mistress.

7. Mr. Parth Mariyappa Polke is the President of respondent no. 6-Society in whose employment the petitioner was. Pursuant to charge framed under the provisions of Contempt of Court Act by this Court on 21/12/2022, Mr. Parth Mariyappa Polke tendered an affidavit, which reads thus:

I, Mr. Parth Mariyappa Polke, the President of Samata Shikshan Prasarak Mandal, Satara, Age 72 years, having office at 21, Malhar Peth, Satara - 415 001, Respondent No. 6 in above captioned contempt Petition, do hereby solemnly affirm and state as under:

1. At the very outset, I tender my sincere unconditional

apology for the delay caused in compliance for the requirements sought by the Respondent No. 4 Dist. Social Welfare Officer.

2. I also tender my sincere unconditional apology to Smt. Sapna Golve, Dist. Social Welfare Officer, Zilla Parishad, Satara and other Respondent authorities i.e. Respondent No. 2, the Commissioner for Persons with Disabilities and Respondent No. 3, The Reg. Dy. Commissioner, Social Welfare Pune Division for the complaints filed by me. I undertake not to file any complaint and/or to make any agitation against the Respondent Authorities.

3. I say that I am a senior citizen and I am suffering from old age ailments. I am residing with my wife who is 73 years of age and senior citizen she is suffering from several old-age ailments and I am the only person to look after her.

4. I hereby pray this Hon'ble Court to consider my age and the above referred facts and this Hon'ble Court be pleased to accept my sincere unconditional apology and further be pleased to drop the charge framed against me by the order dated 21.12.2022 passed by this Hon'ble Court.

8. In response to the Court's query, learned counsel for the respondent no. 6 in presence of Mr. Parth Mariyappa Polke states with repentance that he has strong remorse for lodging false complaints against Smt. Sapana Gholave, District Social Welfare Officer, Zilla Parishad, Satara. In view of above, he has stated that all the complaints which are preferred by him against the respondent nos. 2 to 4 are not pressed and hence stands withdrawn.

9. Mr. Parth Mariyappa Polke further tenders an unconditional

apology and volunteers to pay cost of Rs.51,000/- to Smt. Sapana Gholave, District Social Welfare Officer for making her suffer because of the false complaints preferred by him. The statement is made that within a period of one week the said amount shall be deposited with the office of respondent no. 4. Since the said statement is made on instructions, same is accepted as an undertaking to this Court.

10. He further assures that he shall not indulge into similar type of activities and henceforth will not oppose the public officers in discharge of their lawful duty.

11. In the aforesaid background, we sensor the conduct of the said respondents and reprimand respondent no. 6. Subject to compliance of the aforesaid conditions, the unconditional apology tendered by Mr. Parth Mariyappa Polke is accepted. However, it is made clear that in future if any of the public officer including that of respondent no. 4 if comes out with similar grievance against the said Mr. Parth Mariyappa Polke, this Court will be constrained to initiate fresh contempt proceedings against Mr. Parth Mariyappa Polke.

12. In view of above, we order discharge of contempt notice to respondent no. 6 and the contempt proceeding stands disposed.

13. It is made clear that the amount of cost which shall be paid to the Smt. Sapana Gholave, District Social Welfare Officer, Zilla Parishad is permitted to be spent on the welfare of the children who are taking education in various schools under her supervision.

14. She is further requested to submit an account of such spending to the office of the respondent no. 2-Commissioner for Person with Disabilities Disabled Welfare Commissionerate. The statement is made by respondent no. 4 that the said amount shall be spend within a period of six weeks from the date of its receipt, is accepted.

**(SHARMILA U. DESHMUKH, J) (NITIN W. SAMBRE, J.)**