

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

Civil Application (CAW) No.2442 of 2018

In

Writ Petition No.6526 of 2016

Shri Hari S/o Ramji Rathod

... Applicant/
Petitioner

Versus

State of Maharashtra and others

... Respondents

Mr. V.A. Dhabe, Advocate for Applicant-Petitioner.

Mr. A.A. Madiwale, Assistant Government Pleader for Respondents.

CORAM : NITIN JAMDAR AND
ANIL L. PANSARE, JJ.

DATE : 29 APRIL 2022

P.C. :

This Civil Application is taken out for direction to the Respondents to pay the provisional pension to the Petitioner during the pendency of the Writ Petition in which Rule has been issued on 23 January 2018.

2. On 16 October 2018, the Division Bench passed an order directing the Respondents to start paying the provisional pension to the Petitioner forthwith commencing from 1 November 2018 and if the pension is not paid, it will constitute a contempt of Court. Thereafter, the Petition has been adjourned on various dates in respect of final pension.

3. In the present Civil Application, we are concerned with the grant of provisional pension. Reply-affidavit, which is sworn by Prasad Gajanan Kulkarni, Assistant Commissioner, Social Welfare, Chandrapur, on 24 February 2020, states that the direction issued by this Court on 16 October 2018 as regards payment of provisional pension has been complied with.

4. The learned Counsel for the Petitioner states that the provisional pension has been paid for some period and later on it has been stopped.

5. In light of the earlier order passed by this Court and that the grant of provision pension has not been objected, the Civil Application is allowed in terms of prayer clause (i). If the dues of the provisional pension, if any, are not paid, the same shall be released within a period of three weeks. If the dues are not released, in light of the order dated 16 October 2018, we may have to proceed in contempt jurisdiction as against the deponent of the affidavit dated 24 February 2020.

(ANIL L. PANSARE, J.)

(NITIN JAMDAR, J.)