IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

CONTEMPT PETITION NO. 740 OF 2019
IN
WRIT PETITION NO. 2679 OF 2015

Parasmal s/o Pukhraj Bafna ...Petitioner
Versus
The State of Maharashtra & Anr. ...Respondents

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Mr. P. S. Paranjape a/w Mr. S. G. Shete and Mr. Rupeshkumar C. Bora – Advocate for the petitioner
Mr. D. R. Kale – Public Prosecutor for respondent/State

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CORAM : MANGESH S. PATIL
AND
M. M. SATHAYE, JJ.

DATED : 10.03.2023

PER COURT : -

1. We have heard both the sides.

2. Petitioner alleges disobedience by resondent no. 2 and its officers of the order passed by this court in Writ Petition No. 2679 of 2015, whereby this Court had an occasion to consider the grievance of the retired judicial officers who were not being paid/reimbursed the expenses incurred by them against the medical bills, which was supposed to be at par with the serving judicial officers as per the recommendations of the Justice Shetty Commission and Justice Padmanabhan Committee's report.

3. This Court had directed the State Government to take appropriate decision within four months from the date of the order that was passed on 22.03.2019.

4. There is no dispute that no such decision as per the direction of this Court was taken within four months. However, it is also apparent from the affidavit-in-reply that the respondent no. 1 had approached the Supreme Court and put up a challenge to the order of this court by filing a Special Leave Petition No(s). 2656 of 2020, which was dismissed on 04 May 2022.

5. It appears that the government has lateron passed a Resolution on 10 August 2022 granting the relief. Having come across the difficulties in sanctioning the reimbursement bills of the retired judicial officers, another circular dated 13 January 2023 was issued to streamline the process by prescribing the Standard Operating Procedure (SOP).

6. The thrust of the argument of the learned advocate Mr. P. S. Paranjape is on the fact that the decision taken by the State Government only operates prospectively even when several years were taken by it to evolve the policy.

7. Suffice for the purpose to note the observations of this court in paragraph no. 28 of the order dated 22.03.2019 passed in Writ Petition

No. 2679 of 2015. It had directed that the State Government would decide the date for implementing the facility of medical reimbursement to the retired judicial officers as is being provided to the serving judicial officers.

8. Even otherwise, when it is a policy matter and if the State Government has decided to reimburse the expenses against the medical bills of the retired judicial officers from the date of the Government Resolution, it would be within its purview and domain.

9. The Contempt Petition is disposed of.

[M. M. SATHAYE]
JUDGE

[MANGESH S. PATIL]
JUDGE

SGP