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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO.345 OF 2025
IN
CIVIL WRIT PETITION NO.2165 OF 2022**

Dattatray S/o Narsing Khatake Petitioner.
V/s
Sunanda Thube (Wakhare) and Anr.Respondents.

Mr. Arvind G. Ambetkar (through VC) a/w Mr. Sandeep Gupta,
Advocates for the petitioner.
Mr. S.H. Kankal, A.G.P for the respondent.

**CORAM : SHREE CHANDRASHEKHAR &
MANJUSHA DESHPANDE, JJ.**

DATE : 30TH JULY 2025

P. C.

By the order dated 30th September 2022, Writ Petition No.2165 of 2022 titled “*Dattatray s/o Narshing Khatake vs. State of Maharashtra Thr. Secretary School Education and Sport Dept. and Ors.*” came to be disposed of with the following directions:-

“(i) In view of above, we find it necessary to relegate the case of the Petitioners to the Respondent No.4 - Deputy Director of Education, as the case may be, for taking appropriate decision depending upon the outcome of verification and the facts governing the case of the Petitioners.

(ii) The Petition is, therefore, partly allowed and following directions are issued:-

(a) Respondent No.4 – Deputy Director of Education, as the case may be, is directed to decide case of the Petitioners regarding applicability of the old pension scheme as per

Maharashtra Civil Services (Pension) Rules, 1982 and Maharashtra Civil Services (Computation of Pensions) Rules, 1984 and General Provident Fund Scheme by keeping in view law laid down by this Court in its various judgments including the judgments referred to in the body of the judgment.

(b) If it is so found by Respondent No.4 – Deputy Director of Education, as the case may be, that the Petitioners is governed by old pension scheme, the Respondent No.4, as the case may be, shall issue necessary directions to not deduct any amount from the salary payable to the Petitioners governed by the old pension scheme for the purpose of its applying to the DCPS or NPS, and shall also issue necessary directions for refunding of theses amounts to the petitioners from his salary, same is deducted, within four weeks of the date on which such determination is made.

(c) In case it is found that the Petitioners is governed by the old pension scheme necessary directions shall be issued by Respondent No.4, as the case may be, to open GPF accounts in the name of the Petitioners found eligible for same, within four weeks of the date on which his eligibility is determined.

(d) The Petitioners to appear before the Respondent No.4- Deputy Director of Education, as the case may be, on 17th October 2022.

4. Writ Petition stands disposed of accordingly.”

2. In the present contempt petition, the petitioner has made a grievance that the directions issued by the writ Court to the Deputy Director of Education, Pune who was the respondent no.4 before the

writ Court have not been complied. The writ Court had directed the respondent no.4 to decide the applicability of the Old Pension Scheme as per Maharashtra Civil Services (Pension) Rules, 1982 and Maharashtra Civil Services (Computation of Pensions) Rules 1984 and General Provident Fund Scheme.

3. On instructions, Mr. S.H. Kankal, the learned AGP representing the Deputy Director of Education, Pune states that the directions issued by the writ Court vide order dated 30th September 2022 in Writ Petition No. 2165 of 2022 shall be complied by the Deputy Director of Education within next four weeks.

4. Recording the statement made on behalf of the Deputy Director of Education, Pune, Contempt Petition No.345 of 2025 is disposed of indicating that in the event the writ Court's order is not complied with by the Deputy Director of Education, Pune within next four weeks a cost of Rs 5 lakhs may be imposed upon him.

[MANJUSHA DESHPANDE, J.]

[SHREE CHANDRASHEKHAR, J.]