

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

CONTEMPT PETITION NO. 588 OF 2024

Ramesh Ananda Jadhav

...Petitioner

Versus

Shri Ranjit Singh Deol & Ors.

...Respondents

Mr. Satyajeet Rajeshirke a/w Mr. Shubham Vasekar, Mr. Gautam Kulkarni, Advocate for the Petitioner.

Mr. V.M. Mali, AGP for the Respondent – State.

CORAM : RAVINDRA V. GHUGE

&

ASHWIN D. BHOBE, JJ.

DATE : 17th FEBRUARY, 2025

P.C. :-

1. This is the second Contempt case on the daily cause list today at Serial No.33, as against the same alleged Contemnor. The matter at Serial No.1, Contempt Petition No.624 of 2024, was disposed off, though we concluded that Mr. Mahesh Jagannath Chothe, Deputy Director of Education, Kolhapur is guilty of contempt, because the learned AGP made an Appeal on the basis of the unconditional apology and since the Petitioner pardoned the Contemnor. We purged the Contempt Petition in view of the above, since the order was implemented. Within three hours of the said

hearing after lunch, this is one more matter against same Deputy Director of Education, Kolhapur.

2. The Division Bench of this Court [Coram : A.S. Chandurkar & Firdosh P. Pooniwalla, JJ.], delivered a Judgment on 14th December, 2023 in Writ Petition No.12142 of 2022, filed by the present Petitioner. The Division Bench came to a conclusion in Paragraph Nos.11 to 13, as under :-

11. As per the said judgement, employees appointed prior to 1st November 2005 in aided Educational Institutions receiving 100% grant-in-aid prior to 1st November 2005 would be governed by the old pension scheme. In the present case, the service record of the Petitioner, as set out hereinabove shows that from 13th June 1988 till 29th June 1991, the Petitioner was employed in Schools receiving 100% grant-in-aid, and further that, from 1st July 1991 to 1st February 2000 the Petitioner has been employed in Junior Colleges receiving 100% grant-in-aid. Further, even as far as the period from 2nd February 2000 to 31st May 2022 is concerned, at which time the Petitioner was employed with Respondent No.6-College, the Respondent No.6-College received 100% grant in aid from the Academic Year 2008-2009.

*12. Therefore, prior to 1st November 2005, the Petitioner was employed in various schools and Junior Colleges which were receiving 100% grant-in-aid. Therefore, as per the judgement of this Court in **Nilesh Namdeo Gurav (supra)**, the Petitioner would be entitled to pensionary benefits. The decision of Respondent No.3 that, for his whole period of employment prior to 1st November 2005 the Petitioner*

should be employed in an institution receiving 100% grant-in-aid, is without any basis and incorrect.

13. For all the aforesaid reasons the following orders are passed:-

A. Impugned Order dated 8th August 2021 passed by Respondent No.3 is hereby quashed and set aside.

B. Respondent No.3 is ordered and directed to sanction the Pension Proposal of the Petitioner.

C. Respondent Nos.1 to 4 are directed to give all pensionary benefits under the unamended Maharashtra Civil Services Pension Rule 1982 ("Old Pension Scheme") to the Petitioner.

D. Rule issued in this Petition is made absolute in the aforesaid terms.

E. In the facts and circumstances of the case, there will be no order as to costs.

3. It is thus clear that the impugned order dated 8th August, 2022, passed by the Mr. Mahesh Jagannath Chothe, Deputy Director of Education, Kolhapur, was quashed and set aside. This Court directed the said Authority to sanction the pension proposal of the Petitioner. Respondent Nos.1 to 4 were directed to give all pensionary benefits to the Petitioner under the unamended Maharashtra Civil Services Pension Rules, 1982 ('Old Pension Scheme').

4. Despite the above position, the said Respondent alleged

Contemnor, issued a notice on 18th March, 2024, though the Judgment was delivered on 14th December, 2023, calling upon the Petitioner and his Management to produce relevant records and documents and appear before him on 1st April, 2024, for a hearing. The learned AGP is enable to state as to why the said hearing was arranged. He only submits on instructions that it was wrongly mentioned that a hearing will take place. The learned Advocate for the Petitioner submits that he informed the said Officer vide communication dated 27th March, 2024, that he cannot conduct any hearing since the High Court has granted his pension.

5. In the above backdrop, the papers were forwarded by the said Officer to the office of the Indian Audit & Accounts Department, Officer of the Accountant General Maharashtra, Mumbai. Responding to the documents tendered, the Senior Accounts Officer has addressed the same Deputy Director of Education, Kolhapur vide communication dated 10th May, 2024, pointing out that the documents do not make it clear, whether the Petitioner was appointed in unaided or partially aided post from 1st July, 1991 to 31st March, 2008 and it is not clear that he would be covered under the MCS (Pension) 182 Scheme or the DCPS/NPS

Scheme. He concluded that the pensioner is not eligible of pensionary benefits.

6. It is obvious that the Respondent alleged Contemnor Mr. Mahesh J. Chothe, did not point out the Judgment of this Court dated 14th December, 2023, wherein this Court concluded that he was entitled for pension and the pension should be paid as per the old pension scheme.

7. The conduct of Respondent No.3 Mr. Mahesh J. Chothe, *prima facie* appears to be an act in defiance of the order of this Court. *Prima facie*, we find that his conduct practically amounts to sitting over the order of this Court and keeping the office of the Accountant General in the dark with the intention that the order of this Court would not be brought to the notice to the Accountant General.

8. **Issue notice** to Respondent No.3, Mr. Mahesh Jagannath Chothe, Deputy Director of Education, Kolhapur in the format prescribed under the Contempt of Courts Act, 1971, returnable on **25th March, 2025**. The learned AGP submits on

instructions from the said Officer present in the Court, that he is waiving service of notice.

9. Let Respondent No.3 Accused Contemnor, file an affidavit in reply, at least ten days, prior to the returnable date.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)