



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

CONTEMPT PETITION NO. 6 OF 2024

IN

WRIT PETITION NO. 1073 OF 2023

Ramesh Timaji Masram Vs. Mr. Rohan Bapurao Ghuge, Chief Executive Officer,
Zilla Parishad, Wardha and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Akshay Sudame, Advocate for petitioner
Shri D.R. Bhoyar, Advocate for respondent Nos. 1 & 2

**CORAM : SMT. M.S. JAWALKAR AND
NANDESH S. DESHPANDE, JJ.**

DATED : 06.03.2026

Heard Shri Sudame, learned Counsel for the petitioner. The petition alleges disobedience of order of this Court passed in Writ Petition No. 1073/2023 on 29.08.2023. Paragraph No.2 of the said order is reproduced as under :

“2. Challenge raised in the present writ petition is to the order of dismissal dated 5.6.2007 that was issued by the Chief Executive Officer, Zilla Parishad, Wardha thereby terminating the services of the petitioner from the post Senior Assistant, Panchayat Samiti, Karanja in view of the petitioner's conviction by the Special Court, Wardha on 26.4.2007 for the offence punishable under Sections 7, 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988. It is not in dispute that the conviction of the petitioner has been set aside in Criminal Appeal No.180/2007 by the judgment dated 15.9.2022 (Ramesh S/o Timaji Masram V/s. State of Maharashtra, through Anti Corruption Bureau, Wardha). The Chief Executive Officer has issued

order on 27.7.2023 thereby cancelling the order dated 5.6.2007 that was impugned in the present writ petition for the reason that the petitioner has been acquitted of the offence with which he was charged. The said communication further states that steps will be taken to release all retiral benefits of the petitioner including allowances and arrears. In view of aforesaid, the writ petition is disposed of by directing the respondent No.1 to release all the benefits of the petitioner admissible to him in view of the withdrawal of the order of punishment dated 5.6.2007. The dues of the petitioner be settled within a period of three months which would be till the end of November 2023. Rule is made absolute in the aforesaid terms. No costs.”

2. It is the contention of the learned Counsel for the petitioner that this order has been breached, or the communication dated 27.07.2023 is only an exercise to bypass the said order.

3. Per contra, learned Counsel for the respondent, by taking us through the reply filed by it, submits that all the pensionary benefits and the statutory dues which are payable to the petitioner in accordance with the Rules have already been paid. He further states that this fact has not been disputed by the petitioner. In paragraph No.5 of the said reply, it is stated as :

“5. As the petitioner has not worked during the period of suspension, this period is considered as period of service for calculation of only pensionary benefits payable to the petitioner. It is submitted that this respondent exercising its power under Rule 72(7) of Maharashtra Civil Services (Joining Time, Foreign Services, and Payment during Suspension, Dismissal and Removal) Rules, 1981

passed Modified Order dated 12/07/2024 to that effect and considered the service of the petitioner for the period 19/07/199 to 11/06/2007 (the period of suspension) and the period between 12/06/2007 to 30/04/2009 is considered only for the purpose of calculating the pensionary benefits. The copy of the Modified Order dated 12/07/2024 is annexed herewith as ANNEXURE-R2.”

4. In that view of the matter, we have perused the order dated 27.07.2023. The said order modifies the earlier order dated 05.06.2007. By way of said order dated 27.07.2023, by resorting to provisions under Rule 72(7) of the Maharashtra Civil Services (Joining Time, Foreign Services, and Payment during Suspension, Dismissal and removal) Rules 1981, modified order is passed treating the period from 19.07.1999 to 11.06.2007 (the period of suspension) and the period between 12.06.2007 to 30.04.2009 is considered only for the purpose of calculating the pensionary benefits. On perusal of the said order and the defence taken by the respondent contemnor, we are of the considered opinion that the order has been complied with.

5. In that view of the matter, there is no merit in the contempt petition and the same is dismissed accordingly.

6. Liberty is granted to the petitioner to agitate the grievances in accordance with law.

(NANDESH S. DESHPANDE, J.) (SMT. M.S. JAWALKAR, J.)

Jayashree..