



320-2024

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

CONTEMPT PETITION NO. 320 OF 2024
IN WRIT PETITION NO. 2086 OF 2023 (D)

(Durga d/o Gopalrao Ghatole Vs. Mrs. Priya Deshmukh, Education Officer, Zilla Parishad, Amravati & Ors.)

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

Court's or Judge's orders.

Mr. V.A. Kothale, Counsel for the petitioner.
Mr. A.V. Palshikar, A.G.P for respondent nos. 1 and 3.
Mr. P.V. Navlani, Counsel for respondent no.2.

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CORAM : ANIL L. PANSARE AND
RAJNISH R. VYAS, JJ.
JUNE 15, 2026

None appears for respondent no.4, though
served.

2] The order, of which contempt is alleged,
reads as under :

“The learned Assistant Government Pleader does not deny entitlement of the pension and other retiral benefits to the petitioner. In view of which, the petition is allowed by directing the respondent Nos. 1 and 3, to process the pension papers of the petitioner and if everything is found in order, to release the same within a period of four weeks from today. The petition is disposed of in the above terms. No costs.”

3] Thus, respondent nos. 1 to 3, were directed to process pension papers of the petitioner, and if everything is found in order, to release the same within a period of four weeks from the date of order.

4] The compliance of order is dependent on fulfillment of necessary documents to process pension

papers, in the sense, file will be in order, if it is supported by all relevant pension papers.

5] In context with above, we have gone through the documents placed before us. According to the answering respondents, the Management submitted pension papers on 26/6/2024. The papers were scrutinized to find that only service book and order dated 2/5/2024 passed by this Court were furnished. Certain defects, pointed out by respondent no.2, were not rectified. Thus, according to the respondents, defective proposal was submitted by respondent no.4.

6] In context with above, respondent no.3 requested the petitioner and the Management to appear before him on 18/7/2025, but neither appeared. Thereafter, yet another notice was given for appearance, to which only the petitioner responded, that too, through her husband. The defects however, were not cured. A communication to that effect was made on 23/7/2025 to respondent no.2.

7] Thus, according to the respondents, the pension papers submitted by respondent no.4 were defective. Accordingly, pension could not be released.

8] We requested the petitioner's Counsel to show us a single document indicating that the respondents acknowledged complete set of documents for processing pension papers, the Counsel failed to show such document, instead, he invited our attention to a communication dated 25/3/2021 issued by the Deputy Director of Education, Amravati Division, Amravati, to the

Deputy Accountant General, Pension Branch Office, Maharashtra State, Nagpur, saying that the proposal was already forwarded to the Accounts Department.

9] Thus, the petitioner's Counsel is placing reliance upon a communication made prior to passing the order under question. We, accordingly, requested the petitioner's Counsel to show us document or any other evidence indicating that subsequent to passing order, the complete proposal for releasing pension was forwarded to the respondents, the Counsel did not, but insisted upon the communication of March – 2021.

10] That being so, we are of the view that the petitioner failed to make out a case of willful disobedience of order. Despite pointing out these defects, the petitioner's Counsel unnecessarily insisted for orders based on document of March – 2021, for which the petition deserves to be dismissed with cost.

11] The Contempt Petition is, accordingly, dismissed with cost of Rs.10,000/- (rupees ten thousand). The cost shall be deposited by the petitioner within fifteen days from today in the account of 'Public Welfare Account'.

(JUDGE)

(JUDGE)

Sumit