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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.76 OF 2020

IN

WRIT PETITION NO.1331 OF 2017

Amita Ajit Desai & Ors.

...Petitioners

Versus

Union of India & Ors.

...Respondents

Mr. Ramesh Ramamurthy with Saikumar Ramamurthy and
Ms. Jayashree Pillai for the Petitioners.

Mr. A.R. Gole, for Respondents.

CORAM : K.K. TATED &
R.I. CHAGLA, JJ.

DATE : 10TH FEBRUARY, 2021

ORDER :

1. Heard learned Counsel for parties.
2. Learned Counsel Mr. Ramamurthy appearing on behalf of Petitioners submits that as the Respondents failed and neglected to comply with the order dated 17th January, 2019 passed by this Court in Writ Petition No.1331 of 2017, they preferred the present Contempt Petition.

3. Learned Counsel for the Petitioners submits that this Court by order dated 17th January, 2019 directed the Respondents to pay pension from the month of April, 2019, the operative part of the said order reads thus:-

17. Hence, the rule is made absolute in the following terms:-

(i) It is held and declared that the petitioners would be entitled to be governed by the Central Civil Services (Pension) Scheme, 1972.

(ii) The petitioners would be paid Pension from the month of April, 2019.

(iii) The arrears of Pension shall be paid within a period of six months. However, the arrears will not carry any interest.

(iv) Respondent No.2 is entitled to recover the employer's contribution towards CPF along with simple interest @ 8% p.a. thereon from the arrears of pension that would be payable to the respective petitioners.

4. Learned Counsel for the Petitioner submits that thereafter the Respondents preferred SLP No.16882 of 2019 before Apex Court. He submits that the Apex Court dismissed the Respondents matter on 23rd August, 2019. Thereafter, the Petitioners informed the Respondents by their letter dated 3rd September, 2019 to comply with the order passed by this Court dated 17th January, 2019. He submits that the Respondents

started paying them pension from July, 2019 only. He submits that neither the Respondents provided them, the statement showing how they calculated the pension amount nor the statement of arrears of pension was provided. Therefore, they preferred the present Contempt Petition.

5. Learned Counsel for the Respondents submits that he has received instructions from his client that they have already complied with the order passed by this Court on 17th January, 2019. He further submits that in view of the submissions made by the Advocate for the Petitioners, he requires some time to take instructions from concerned officer. Hence following order is passed:-

(a) At the request of the learned Counsel for Respondents matter to appear on board on 24th February, 2021.

[R.I. CHAGLA J.]

[K.K. TATED, J.]