

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CONTEMPT PETITION NO. 134 OF 2014
IN
WRIT PETITION NO. 150 OF 2013**

Pitambar Digambar Chaudhari
and others

.. Petitioners

Versus

The Principal, G.T.P. Art, Commerce
and Science College, Nandurbar
and others

.. Respondents

Shri Yuwraj R. Barahate, Advocate for Petitioners.

Shri D. S. Bagul, Advocate for Respondent Nos. 1 and 2.

Shri D. R. Korde, A.G.P. for Respondent Nos. 3 and 4.

Shri Rupesh Bora, Advocate h/f Shri A. B. Girase, Advocate for
the Respondent No. 5.

**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATE : 01ST JULY, 2015.

PER COURT :

. Mr. Barahate, the learned counsel for petitioners submits that, though as per orders of this Court Joint Director had directed the management to pay the amount, the management is not paying the amount with regard to leave encashment. The said act is contemptuous.

2. Mr. Bagul, the learned counsel submits that, as per the record of the respondents, the petitioners are not entitled for any amount.

3. This Court vide order dated 25th September, 2013 passed in Writ Petition No. 10074 of 2012 with other connected writ petitions had directed the Joint Director of Higher Education, Jalgaon to decide the dispute with regard to quantum of entitlement of petitioners. This Court had held that, the petitioners are entitled to leave encashment benefit. However dispute is raised about quantum of amount which the petitioners are entitled. The Deputy Director of Higher Education has not at all decided the quantum of the amount towards the leave encashment in respect of the petitioners herein. In fact, the Joint Director of Higher Education could not have left it to the management to decide the same. As per the order of this Court it was the Joint Director of Education to decide the quantum.

4. In the light of the above, we relegate the parties once again to the Joint Director of Higher Education, Jalgaon. The Joint Director of Higher Education, Jalgaon shall after hearing the parties decide about the quantum of the entitlement of the petitioners towards leave encashment in tune with the order dated 25th September, 2013 passed by this Court in Writ Petition No. 10072 of 2012 with other connected with petitions. The

petitioners herein and the respondents shall appear before the Joint Director of Higher Education on 22.07.2015. The Joint Director of the Higher Education shall after considering the record and hearing the parties decide about the quantum of entitlement of each petitioner towards leave encashment and thereafter the parties shall abide by the judgment dated 25th September 2013 delivered in Writ Petition No. 10072 of 2012. The Joint Director of Higher Education shall decide the same expeditiously and preferably within a period of three (03) months from the date of appearance of the parties. The contempt petition is disposed of. No costs.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]

bsb/July 15