

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CONTEMPT PETITION NO. 489 OF 2011

MADHAV GANGARAM SARPE
VERSUS THE DIVISIONAL CONTROLLER MSRTC

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Advocate for Petitioner : Smt. Jamdhade Maya R.
Advocate for Respondent : Shri Deshmukh B. S.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: February 16, 2017

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PER COURT :-

1. Learned Advocate for the respondent submits, on instructions, that the MSRTC has already undertaken the calculations of the gratuity amount to be paid to the petitioner by considering his date of joining and his date of superannuation, keeping in view that this Court, by judgment dated 10.1.2011 has sustained the reinstatement of the petitioner with continuity and backwages to the extent of Rs.1,50,000/-. He makes a statement, on instructions, received from the Divisional Controller dated 15.2.2017 that the gratuity amount will be accordingly calculated and would be paid. Said communication dated 15.2.2017 is taken on record and marked Exhibit "X" for identification.

2. There is no dispute that pursuant to the judgment of this Court dated 10.1.2011, the entire tenure of the petitioner from the date of joining till the date of superannuation will have to be taken into

account for calculating all such benefits as are legally payable to him. Gratuity is one part.

3. In so far as provident fund is concerned, the affidavit in reply filed by respondent Ramesh Kisanrao Jadhav, dated 9.3.2012, indicates that the Assistant Provident Fund Commissioner has orally informed him that the claim of the petitioner has already been settled in 1979. For the said purpose, the petitioner will be at liberty to approach the APFC Aurangabad for the redressal of any grievance concerned with provident fund and/or family pension. After such representation is lodged, the APFC would do the needful and the respondent / MSRTC shall cooperate for the proper disposal of the said representation.

4. Since the above recorded statements have been made on instructions, this petition is disposed off with the observation that in the event of any laches on the part of the respondent in ensuring the implementation of the directions of this Court, it would be considered as aggravated contempt. It is, however, made clear that the respondent would make the payments strictly as per the service conditions applicable to the petitioner.

(RAVINDRA V. GHUGE, J.)

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