

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

**CONTEMPT PETITION NO. 134 OF 2018
IN
WRIT PETITION NO. 12550 OF 2016**

Rajgopal S/o. Bhivajirao Survase

Petitioner...

Versus

Naranedra Bhaskar Patil & Anr.

Respondents...

.....
Mr Pradeep Deshmukh, Advocate h/f Mr Yogesh P. Deshmukh,
Advocate for the petitioner
Mr R. H. Mewara, Advocate for respondent No. 1
Mr Girish Rane, Advocate for respondent No. 2
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**CORAM : PRASANNA B. VARALE &
MANISH PITALE, JJ.**

DATE : 31ST AUGUST, 2018.

PER COURT:-

1. Heard Mr Pradeep Deshmukh, learned counsel for the petitioner, Mr Rajesh H. Mewara, learned advocate for respondent No. 1 and Mr Girish Rane, learned advocate for respondent No. 2.
2. The grievance of the petitioner by this petition is about non-compliance of the order passed by this Court in Writ Petition No. 12550 of 2016, on 25.09.2017.

3. It was submitted before this Court that, the petitioner stood retired. Though, during the pendency of the writ petition, the benefits of provident fund and gratuity have been paid to the petitioner, the benefit of leave encashment remains unpaid.

4. It was submitted before this Court by the learned counsel appearing for the Institution that, as the service book was not available with the Institution, the necessary steps were not taken. Considering these submissions, the Division Bench of this Court was pleased to dispose of the petition with directions to Joint Director of Higher Education, Jalgaon, to forward the service book of the petitioner to the Institution expeditiously and then the Institution was directed to verify service book and after verifying the same, forward the proposal to the Joint Director of Higher Education for the benefit of leave encashment within a period of two months from the date of receipt of service book. The Joint Director of Higher Education was further directed to decide the proposal with regard to sanction of benefit within a period of two months from the date of receipt of the proposal.

5. Mr Girish Rane, learned counsel for respondent No. 2, submits that the directions issued by this Court vide order dt.25.09.2017 are already complied with. He invited our attention to

the communication forwarded by the President of the Institution to the Joint Director of Higher Education, Jalgaon, dt. 12.12.2017. It is stated in the said communication that the petitioner stood retired on 31.07.2017 and is entitled to avail the monetary benefits against the earned leave for 114 days to the tune of Rs. 5,78,945/-. Then the communication placed on record dt. 12.1.2018 shows that, the Joint Director of Higher Education informed the Principal of the said college that, in view of the directions issued by this Court in WP No. 12550/2016, the amount to the tune of Rs. 5,78,945/- is deposited in the bank account of the college. Our attention is also invited to the communication placed on record which shows that, the Principal of the College requested the Manager of Bank of Maharashtra, Branch Bhusawal, to deposit the cheque bearing No. 015942 for amount of Rs.5,78,945/- in the bank account of petitioner having No. 20083117526. The In-charge Principal also communicated the Joint Director of Higher Education about the compliance of directions issued by him. Thus, learned counsel - Mr. Rane appearing for respondent No. 2 was justified in submitting before this Court that the order of this Court is complied with in a letter and spirit though Mr. Deshmukh submits that the petitioner has in his account 300 and some odd days earned leave whereas, the amount is paid only against 114 days.

6. We are of the clear opinion that such controversy can not be entertained in a contempt petition and the scope of petition being limited one, we can not permit the parties to expand the scope of contempt petition. Considering all these facts, in our opinion the petition has served its purpose. Nothing remains to be considered. The petition is accordingly disposed of.

7. If the petitioner is having any grievance about quantification of the amount, he may avail of the alternate remedies, if so advised.

[MANISH PITALE]
JUDGE

[PRASANNA B. VARALE]
JUDGE

Punde