

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

**CONTEMPT PETITION NO. 46 OF 2019
IN
WRIT PETITION NO.11060 OF 2016**

Mangesh s/o Premkumar Agase,
Age: 45 years, Occ: Service,
R/o. Latur, Tq. & Dist. Latur

PETITIONER

VERSUS

1. The State of Maharashtra,
Through the Secretary,

RESPONDENT

Mr N.S. Tekale, Advocate h/f Mr A.N. Irpatgire, Advocate
for the petitioner;
Mr S.S. Dande, A.G.P. for respondents/State;
Mr V.G. Sakolkar, Advocate for respondent No.5

**CORAM : PRASANNA B. VARALE &
R.G. AVACHAT, JJ.**

DATED : 9th MARCH, 2020

ORAL ORDER:

Heard learned Counsel for the petitioner.

2. Mr. Dande, learned A.G.P., on instructions

appears for respondent No.4, and respondent No.4 is personally present in the Court. Mr. Dande, learned A.G.P. submits that affidavit in reply is not filed due to paucity of time and the respondent No. 4 be permitted to place on record relevant documents to show before this Court that the order of this Court relating to respondent No. 4 is duly complied with.

3. The compilation of the documents placed on record is taken on record and marked 'X' for identification. Perusal of the documents show that on 30th October, 2017, Principal of Lal Bahadur Shashtri Secondary and Higher Secondary School, Khadgaon, Latur submitted a proposal for grant of payment of salary to the petitioner for the period from 14th August, 2017 TO October, 2017. The communication also refers to the reply to queries raised in the earlier communication.

4. Mr. Dande, learned A.G.P. also invited our attention to the verification of the proposal and pay

bill accordingly generated in the system and the pay bill generated is to the tune of Rs.5,34,705/-. It is also submitted before this Court that final amount to which the petitioner is entitled for the said period is Rs.5,34,705/- and the said amount is also deposited in the account of the petitioner by way of cheque No.070672. A receipt of deposit dated 22nd November, 2017 is also placed on record along with communication seeking demand of the amount.

5. Learned Counsel for the petitioner submitted that the proposal was only for a limited period i.e. from 14th August, 2017 to October, 2017, whereas even for earlier period also, salary of the petitioner is not paid.

6. As these specifications were not referred to in the order dated 7th August, 2017 passed in Writ Petition No. 11060 of 2016, this Court cannot expand the scope in contempt petition and if, the petitioner so advised to

raise grievance about some unpaid amount, the petitioner is at liberty to avail appropriate remedies before the competent forum, including judicial forum.

7. As the order dated 7th August, 2017 passed in Writ Petition No. 11060 of 2016 is duly complied with, the contempt petition is disposed of, with aforesaid liberty.

[R.G. AVACHAT, J.]

[PRASANNA B. VARALE, J.]