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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CONTEMPT PETITION NO.578 OF 2024
IN
WRIT PETITION NO. 4264 OF 2024

Kautikrao Motiram Sapkal

PETITIONER

VERSUS

Chief Executive Officer, Zilla Parishad, Jalna

RESPONDENT

.....
Mr. Nikhil D. Jaiswal, Advocate for the Petitioner
Mr. Prashant P. Dama, Advocate for the Respondent
.....

[CORAM : NITIN B. SURYAWANSHI, &
SMT. VAISHALI PATIL-JADHAV, J. J.]

DATE : 9th SEPTEMBER, 2025

ORDER :

1. The Petitioner claims that the Respondent has committed contempt of the orders dated 25th April, 2024 passed by this Court in Writ Petition No. 4264 of 2024 and dated 4th January, 2022 in Writ Petition No. 4931 of 2022. By the said orders, this Court directed the Respondent to release pensionary benefits to the Petitioner.

2. Pursuant to the orders, the Respondent released pensionary benefits to the Petitioner, however, an amount of Rs.82,241/- was deducted from the gratuity amount, as the same was paid to him in excess.

3. The Petitioner, by relying on ***“Jogeshwar Sahoo and Others V/s District Judge, Katak”*** passed in Civil Appeal arising out of SLP (C) No. 5918 of 2024, contends that the deduction is not permissible.

4. In reply, the Respondent placed reliance on Government Resolution dated 22nd November, 2021, by which it is mandated that, at the time of granting benefits of pay fixation, increments or any other pecuniary benefits, an undertaking should be obtained from the employee that if subsequently it is found that excess payment was made to the employee, he will not obstruct to the recovery of the said excess payment. Said Government Resolution is passed pursuant to the orders passed by this Court in Writ Petition No. 3480 of 2020.

5. Admittedly, the Petitioner has given the undertaking that if any excess payment is found to be made to him, he would refund the excess amount. This situation is not contemplated in the decision in ***“Jogeshwar Sahoo”*** (*supra*). Therefore, the said decision is of no assistance to the Petitioner.

6. In view of compliance of the order, the Contempt Petition is disposed of.

[**SMT. VAISHALI PATIL-JADHAV**] [**NITIN B. SURYAWANSHI**]
JUDGE JUDGE