

**IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR**

**BEFORE**

**HON'BLE SHRI JUSTICE DWARKA DHISH BANSAL**

**ON THE 30<sup>th</sup> OF JANUARY, 2024**

**CONTEMPT PETITION CIVIL No. 6274 of 2023**

**BETWEEN:-**

**BADELAL PATHAK S/O SHRI CHANDRA BHAVAV  
PATHAK, AGED ABOUT 65 YEARS, OCCUPATION:  
RETIRED POLICE R/O ISHAN PARISAR  
NARMADAPURAM (MADHYA PRADESH)**

**.....PETITIONER**

***(BY SHRI OM SHANKAR PANDEY – ADVOCATE ALONG WITH MS. ANCHAN  
PANDEY - ADVOCATE)***

**AND**

**DR. GURKRAN SINGH SP NARMADAPURAM  
DISTRICT NARMADAPURAM (M.P)**

**.....RESPONDENT**

***(BY SHRI AKASH MALPANI - ADVOCATE)***

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*This petition coming on for admission this day, the court passed the  
following:*

**ORDER**

This Contempt Petition has been preferred alleging contempt of order dated 05.09.2023 passed by this Court in W.P No.18341/2023.

2. Relevant/operative part of the order passed by this Court on 05.09.2023, is as under :-

“14. Accordingly, this petition is **disposed of** with the following observations :-

(1) So far as the termination of services of petitioner is concerned, it is clarified that in case if the appeal is allowed and petitioner is acquitted, then he may reargue before the authorities challenging his order of termination.

(2) So far as the amount under the head like GIS, GPF, Leave Encashment, etc. are concerned, respondents shall pass a specific order. If the aforesaid amount is the personal property of petitioner and does not stand forfeited on account of his conviction, then it shall be paid to petitioner within a period of three months from today”.

3. Learned counsel for the petitioner submits that there is no dispute about payment of amount of GIS & GPF and only dispute is about amount of Leave Encashment and despite clear direction issued by this Court vide paragraph 14(2) of the order, respondent has not made payment of amount of Leave Encashment deliberately, therefore, the respondent deserves to be punished.

4. Heard learned counsel for the petitioner and perused the record.

5. Perusal of aforesaid clause-2 of para 14 of order dated 05.09.2023 shows that the respondents were directed to pass a specific order regarding amount of GIS, GPF and Leave Encashment. As has been

submitted by learned counsel for the petitioner, there is no dispute about amount of GIS & GPF, which vide order dated 10.11.2023 (Annexure R/1) appears to have been paid to petitioner.

6. So far as the question of payment of amount of Leave Encashment is concerned, the respondent vide its order dated 10.11.2023 has observed as under:-

- 6) अवकाश नकदीकरण के भुगतान के प्रावधान के संबंध में स्पष्ट उल्लेख है कि अवकाश नियम 8(1). शासकीय सेवक का जमा अवकाश का दावा उस दिनांक को समाप्त हो जाएगा जब उसे पदच्युत, निश्कासित या उसके द्वारा त्यागपत्र दिया जाता है। अतः उक्त नियम के कारण अवकाश नकदीकरण राशि का भुगतान नहीं किया गया।

7. In view of aforesaid, it is clear that in compliance of direction contained in clause-2 of Para 14 of order dated 05.09.2023, the respondent has passed order declining payment of amount of leave encashment, for the reasons mentioned in order dated 10.11.2023.

8. Since in compliance of directions issued by this Court, order has been passed on 10.11.2023, therefore, this Court does not deem fit to issue notice of contempt to the respondent.

9. However, contempt petition is disposed off with the observation that if the petitioner is still aggrieved vide order dated 10.11.2023, he would be at liberty to agitate his grievance afresh in accordance with law.

10. With the aforesaid, this contempt petition is **disposed off**.
11. Pending application(s), if any, shall stand disposed off.

**(DWARKA DHISH BANSAL)**  
**JUDGE**

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