

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6776 OF 2014

KESHARLAL SITARAM BHADADE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Y.B. Bolkar
AGP for Respondent/State : Mr. M.M. Nerlikar
Advocate for Respondent No.3 Mr. A.B. Girase

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CORAM : S.S. SHINDE & P.R. BORA, JJ.

Dated: April 06, 2015

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PER COURT :-

Rule. Rule is made returnable forthwith. By consent of parties, petition is heard finally.

2. The petitioner was working as a lecturer in Respondent No.5 Shri. S.S. Patil Arts, Shri. Bhausaheb T.T. Salunke Commerce and Shri. G.R. Pandit Science College, Jalgaon (Nutan Maratha College, Jalgaon), Dist. Jalgaon. The petitioner retired on 01.12.2006. In the present petition, petitioner claims encashment of earned leave which according to petitioner, has not been paid by the management. The issue in respect of

payment of encashment of earned leave has been already addressed by Division Bench of this Court (Coram : J.N. Patel and S.B. Deshmukh, JJ) in a batch of Petitions. The learned counsel for petitioner submitted that the said judgment and order passed by High Court was challenged in the Apex Court in Special Leave Petition No. 17039/08 and other connected matters. The Apex Court vide order dated 5/7/2011 declined to grant leave. The Apex Court granted 3 months time to the educational institutions therein to comply with the order passed by the High Court.

3, The learned counsel for the petitioner submits that the present petition could be disposed of in the light of the judgment and order passed by the High Court and the Apex Court.

4. The learned counsel for the University Mr. Girase fairly submits that the issue raised in this petition is covered by the judgment cited supra. We have perused the judgment cited supra. We are inclined to allow the Writ Petition on the reasonings adopted by the High Court in the judgment cited supra.

5. The learned counsel for the petitioner prayed for grant of 18% interest p.a. on the amount to be disbursed to the petitioner along with costs of Rs.

10,000/-. The learned counsel appearing for the management submits that the said prayer is unreasonable.

6. In the facts of the case and the submissions advanced by learned counsel for contesting parties, we allow the petition in the following terms.

7. The respondent Nos. 4 and 5 are directed to pay the amount due to the petitioner towards encashment of earned leave alongwith interest at the rate of 12% p.a. from the date of retirement of the petitioner i.e. 01.12.2006 till actual realisation.

8. the respondents shall comply with the directions issued by this Court within 6 months from today. Rule is made absolute in above terms. No costs.

(**P.R. BORA, J.**)

(**S.S. SHINDE, J.**)

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SGA/-