

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10825 OF 2014

SHAIKH SAMAD SHAIKH HAMID
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. S.D. Joshi h/f Mr. Rajkar
Ashish B.

AGP for Respondent/State : Mr. G.R. Ingole
Advocate for Respondent nos. 3 and 4 : Mr. Jadhavar
Santosh S.

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CORAM : S.S. SHINDE & RAVINDRA V. GHUGE, JJ.
Dated: April 21, 2015

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PER COURT :-

Heard.

2. This Petition is filed, seeking directions to Respondent Nos. 3 and 4 to forward the proposal in respect of leave encashment of the petitioner to the office of respondent no.2, forthwith, along with the claim for interest @ Rs. 12% per annum on the amount due and the respondent no.2 may be directed to release the amount of leave encashment in favour of the petitioner within a period of 15 days.

3. In pursuance to the notices issued to the

Respondents, Respondent Nos. 3 and 4 have filed affidavit in reply, stating therein that, there is no record available to assess the attendance of the petitioner, and therefore, it is not possible to accept the prayer of the petitioner for leave encashment.

4. We have considered the submissions advanced by the learned Advocates appearing for the petitioner and Respondent Nos. 3 and 4. Perused the copies of the documents placed on record along with the Petition, and in particular, extract of service record from pages 37 to 47 of the compilation of the Writ Petition. Upon perusal of the note written on page 47, it appears that, Respondent no.4 - Secretary has certified that, the petitioner has taken voluntary retirement and at the time of his retirement, 170 days earned leave stood to his credit.

5. In that view of the matter, we direct Respondent Nos. 3 and 4 to forward the proposal of the petitioner, in respect of leave encashment to the office of Respondent No.4 forthwith, preferably within two weeks from today and upon receiving such proposal, Respondent No.2 shall take a decision on it, within four weeks.

6. So far as prayer to pay such amount with

interest is concerned, Respondent No.2 shall consider the same in accordance with the relevant Rules.

7. The Petition stands disposed of in the above terms.

8. The parties to act upon an authenticated copy of this order.

(RAVINDRA V. GHUGE, J.)

(S.S. SHINDE, J.)

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sga/-