

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 6689/2014

(Shri Ravindra Prabhakar Kundurwar vs. Vice Chairman & Managing Director  
Mah. State Road Transport Corporation, Mumbai and another )

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Office Notes, Office Memoranda of  
Coram, appearances, Court's orders  
of directions and Registrar's orders

Court's or Judge's order

.....  
Mr.S.S. Kare, Adv. for petitioner  
Mr.V.G.Wankhede, Advocate for Respondents

**CORAM : SMT. VASANTI A. NAIK &**  
**A.M. BADAR, JJ.**

**DATED : 7<sup>th</sup> May, 2015.**

Heard.

By this petition, the petitioner seeks a direction to the respondent nos. 1 and 2, to pay the retiral benefits including the amount towards earned leave, medical leave encashment, interest towards delayed payment of gratuity and arrears of difference of salary for holding the post of Executive Engineer, Amravati.

Shri V.G.Wankhede, the learned counsel for the Corporation states that the petitioner would not be entitled to arrears of difference of salary for holding the post of Executive Engineer, Amravati as the posts were merged and the petitioner was not substantively holding the post of Executive Engineer Amravati. It is stated that all the other retiral dues have been paid to the petitioner and only the amount towards the benefits of earned leave and medical leave encashment, is payable. It is stated that the arrears towards these dues would be paid within a period of two weeks. It is stated that the petitioner is not entitled to interest for the small delay in paying the gratuity to the petitioner as the petitioner had, allegedly, misconducted himself and a departmental

enquiry was contemplated against him. It is stated that the Corporation has, however, subsequently decided not to conduct the enquiry against the petitioner and, as such, this Court may not direct the Corporation to pay the interest for the small delay in payment of gratuity.

Shri S.S. Kare, the learned counsel for the petitioner states that the petitioner would file appropriate proceedings for seeking the difference in arrears of salary, for holding the post of Executive Engineer, Amravati, before the appropriate forum. It is stated that the grievance of the petitioner stands redressed at the stage, in view of the statement made by the counsel for the Corporation, that the amount towards earned leave and medical leave encashment would be paid to the petitioner within fifteen days.

In view of the aforesaid, we dispose of the Writ Petition by accepting the statement on behalf of the Corporation that the amount payable to the petitioner towards earned leave and medical leave encashment would be paid to the petitioner within a period of fifteen days. The petitioner is at liberty to file appropriate proceedings to seek the arrears of difference of salary for holding the post of Executive Engineer, Amravati, if permissible in law.

Order accordingly. No costs.

**JUDGE**

**JUDGE**

*satase*