

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 234 OF 2014

Kishore Shankarrao Khadatkar

-VS-

The Chairman & Managing Director, Bank of Maharashtra and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.B.B.Meshram, counsel for the petitioner.
Mr.R.N.Sen, counsel for the respondent Nos.1 to 3.

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

DATE : 01.04.2015.

By this petition, the petitioner seeks a direction to the respondent-Bank to pay the leave encashment amount to the petitioner.

The learned counsel for the petitioner states that though all the other retiral dues are paid to the petitioner, the leave encashment dues are not paid.

Shri Sen, the learned counsel for the respondent-Bank, states that the issue involved in this case stands answered against the petitioner by the order dated 10/03/2014 in Writ Petition No.2033 of 2013. It is stated that in view of Regulation No.38 of the Bank of Maharashtra Officers Service Regulations, 1979, the petitioner would not be entitled to seek leave encashment as the petitioner is compulsorily retired from service after serious charges were proved against the petitioner in a departmental enquiry.

On hearing the learned counsel for the parties and on a perusal of the order dated 10/03/2014 in Writ

Petition No.2033 of 2013, it appears that the facts involved in Writ Petition No.2033 of 2013 and the instant petition are almost identical. Here also, the petitioner has been compulsorily retired from service after serious charges were proved against the petitioner. The petitioner would, therefore, not be entitled to seek leave encashment, in view of Regulation No.38 of the Regulations of 1979.

Hence, for the reasons recorded in the order dated 10/03/2014 in Writ Petition No.2033 of 2013, we dismiss the writ petition with no order as to costs.

JUDGE

JUDGE

KHUNTE