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

WRIT PETITION No.2030 OF 2015

Shri Jagdish Bhaiyyaji Gadewar

-Vrs.-

State of Mah. And others.

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

Court's or Judge's orders.

Mr. C.P. Chandurkar, counsel for petitioner.

Mr. A.D. Mohgaonkar, counsel for respondent nos. 2 to 5.

CORAM : B.P. DHARMADHIKARI AND
P.N. DESHMUKH, JJ.

DATED : 11th March, 2016

The petitioners are not in a position to point out any error with the amount calculated by respondents towards terminal benefit of deceased employer. Today a rejoinder has been filed. However, how the amount of leave encashment or gratuity etc. is incorrect has not been demonstrated. It is the contention that though the employee expired in 2007, amounts were withheld for a period in excess of 8 years. He further contends that though from time to time applications were made the amounts were not released.

Advocate Mohagaonkar submits that cheques were offered to petitioner no.1 and he did not accept. He further submits that deceased employee was widow of earlier employee who was given employment after death of that employee. She in her service record mentions child as her nominee. However, thereafter she remarried and the child

expired. Remarriage was not communicated to employer. Petitioners are related to that lady on account of remarriage. Petitioner no.1 is the second husband while petitioner nos. 2 & 3 are sons of petitioner no.1. Therefore, a succession certificate was demanded.

In this situation, we find that several disputed questions arise.

We permit petitioners to retain the amount offered to them by respondents without prejudice to their rights and contentions in the matter. The petitioners can, for recovery of balance amount, file a civil suit in accordance with law. With this liberty, we dispose of the petition. No costs.

JUDGE

JUDGE

Hirekhan