

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

WRIT PETITION NO.4278 OF 2015

(Ramdas s/o Nekram vs. National Seeds Corporation Limited and others)

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

Shri S.Z. Sonbhadre, Advocate for petitioner.
Shri J.L. Bhoot, Advocate for respondents.

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

DATED : MARCH 30, 2016

The petitioner, who has retired in October 2013, claims that his gratuity and leave encashment amount have not been paid.

The respondent employer has filed reply pointing out that gratuity amount of Rs.3,45,257/- has been deposited with competent Authority under Payment of Gratuity Act at Pune. It is further submitted that petitioner is not entitled to amount of leave encashment as first information report against him is filed and pending.

Our attention is also invited to order dated 15/2/2016 passed by learned Single Judge of this Court in Criminal Application No.83/2016.

It appears that the said criminal application was moved by the present petitioner

seeking anticipatory bail. The learned Single Judge of this Court has directed him to keep amount of Rs.1,20,000/- with the employer and not to claim it till he obtains appropriate orders in relation thereto from the competent Authority.

The first information report is lodged by the employer against petitioner for the offences punishable under Sections 420, 408 and 409 read with Section 34 of Indian Penal Code on 5/1/2015. It is urged that petitioner received payments due to employer in the name of his wife and the said amount is received by cheque. The petitioner disputes this.

Taking overall view of the matter, we find that several disputed questions arise.

We also take note of the fact that respondent employer has chosen to file first information report after two years of retirement of petitioner.

With liberty to petitioner to take such other steps as are open in law for recovery of amount of gratuity and leave encashment, we decline to interfere in the writ jurisdiction. The petition is disposed of. No costs.

JUDGE

JUDGE

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