

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

WRIT PETITION NO.5299 OF 2016

[Dada Shivilal Mahanande .vs. The Joint Director, Higher Education, Nagpur and one]

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

Court's or Judge's orders

Shri Y.S. Gorle, counsel for the petitioner,
Shri A.M. Joshi, AGP for respondent no.1.

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CORAM : SMT. VASANTI A NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATED : NOVEMBER 16, 2016.

By this writ petition, the petitioner seeks a direction against the respondent no.2-college to immediately pay the amount of Rs.1,80,436/- to the petitioner towards the earned leave.

According to the petitioner, though the petitioner has retired from service after attaining the age of superannuation, the respondent no.2-college has not paid the amount of Rs.1,80,436/- towards the earned leave.

On hearing the learned counsel for the parties and on a perusal of the writ petition and the documents annexed thereto, it appears that the respondent no.2-college has withheld the amount that is payable to the petitioner towards earned leave as the petitioner has not produced the no-dues-certificate from the credit cooperative society in respect of the loan that was availed by the petitioner. In the reply of the respondent no.2-college to the legal notice of the petitioner, dated 7.7.2016, it is clearly mentioned that certain amount is due and payable by the petitioner to the credit cooperative society and hence the petitioner would be required to produce the no-dues-certificate before the amount could be released in his favour towards earned leave. It appears that there is some dispute between the

credit cooperative society and the petitioner in respect of the amount that is payable by the petitioner to the society. It clearly appears from the reply, dated 7.7.2016 that the respondent no.2-college does not have the intention to withhold the amount that is payable to the petitioner towards the earned leave and the college would pay the amount no sooner the petitioner produces the no-dues-certificate. If that is so, a direction cannot be issued to the respondent no.2-college to pay the amount of Rs.1,80,436/- to the petitioner towards leave encashment in exercise of the writ jurisdiction.

Hence, the writ petition is dismissed with no order as to costs.

JUDGE

JUDGE