

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

WRIT PETITION NO.6522 OF 2015

(Dr. Ramdas s/o Govindrao Chaware vs. The State of Maharashtra and others)

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

CORAM : B.P. DHARMADHIKARI AND
KUM. INDIRA JAIN, JJ.

DATED : JUNE 27, 2016

We have heard Adv. Dangore for petitioner, Shri Fulzele, learned Additional Government Pleader for respondent no.1, Adv. Chaudhari for respondent no.2 and Adv. Kilor for respondent nos.3 and 4.

We find that certain disputed questions arise. Adv. Dangore for petitioner, during arguments, invited our attention to communication dated 16/6/2016 sent to petitioner under Right to Information Act. He relies upon that communication to urge that no appropriation out of total amount of Rs.10,07,570/- released to satisfy claim of leave encashment of petitioner has been allowed. This communication is not within knowledge of other respondents. Its copy is taken on record and

marked "X".

Shri Fulzele, learned Additional Government Pleader attempts to point out that as Management pointed out that leave encashment was worked out erroneously on higher side, additional amount released to Management was allowed to be appropriated towards future grants payable to the Management. This is defence of the Management also.

Adv. Dangore is disputing this.

In this situation, interest of justice can be met with by permitting petitioner to make appropriate representation to respondent no.1. Needless to mention that other grievance like interest on alleged belated payment can also be raised in that representation.

If such representation is made within two weeks from today, office of respondent no.1 shall verify all records, extend opportunity of hearing to petitioner as also to respondent nos.3 and 4 and pass suitable orders in this respect within next four weeks.

Amount found due and payable to petitioner can be accepted by him, but then that will not preclude him from challenging correctness of exercise undertaken.

With the above directions and keeping all

rival contentions open, we dispose of the petition.

No costs.

JUDGE

JUDGE

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