

**IN THE HIGH COURT OF JUDICATURE
AT BOMBAY**

BENCH AT AURANGABAD.

WRIT PETITION NO.12550 OF 2016

Rajgopal S/o Bhivajirao
Survase ... Petitioner.

Versus

The Joint Director of
Higher Education, Jalgaon
Region, Jalgaon and others ... Respondents.

...

Mr.Y.P.Deshmukh, advocate for the petitioner.
Mr.S.W.Munde, A.G.P. for the State.
Mr.R.H.Mewara, advocate for Respondent No.2.

...

**CORAM : S.V.GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

Date : 25.09.2017.

PER COURT :

1. Mr.Deshmukh, learned counsel submits that after filing of this petition, the petitioner has been paid the gratuity amount and the Provident Fund amount, however, the leave encashment amount is not yet paid. According to the learned counsel, 333 days leave is to the

credit of the present petitioner and petitioner is entitled for leave encashment amount of 300 days. The same is not yet sanctioned.

2. The learned counsel for the institution submits that the service book is not with the institution. At the relevant time, Administrator was incharge of the institution and as per letter dated 5.5.2016, the service book is forwarded to the Joint Director of Higher Education.

3. Learned A.G.P. submits that the office of the Joint Director of Higher Education has not received any proposal from the institution for sanction of leave encashment.

4. As per letter at page 21 dated 5.5.2016 of the Administrator to the Joint Director of Higher Education, it appears that the service book of the petitioner is forwarded to the Joint Director of Higher Education for the purpose of sanction of pension. The Joint Director of Higher Education, Jalgaon, shall forward the said service book to the institution expeditiously.

The institution shall after verifying the service book, forward the proposal to the Joint Director of Higher Education for the benefit of leave encashment to the Joint Director of Higher Education, within a period of two (2) months on receipt of the service book from the office of Joint Director of Higher Education. The Joint Director of Higher Education, shall decide the proposal with regard to sanction of benefit of leave encashment expeditiously, preferably within two (2) months of the receipt of the proposal.

5. The Writ Petition is disposed of. No costs.

(MANGESH S. PATIL, J.)

(S.V.GANGAPURWALA, J.)

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