

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

WRIT PETITION NO. 8910 OF 2012

Afazal Babansaheb Lakhire and Others ..PETITIONERS

VERSUS

State of Maharashtra and Others ..RESPONDENTS

**WITH
WRIT PETITION NO. 8418 OF 2013**

Anantkumar Nagnath Khanapurkar and Another ..PETITIONERS

VERSUS

State of Maharashtra and Others ..RESPONDENTS

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Mrs. M.G. Kasturkar, Advocate h/f Mrs. M.A. Kulkarni, Advocate for petitioners.

Mr. S.G. Karlekar, A.G.P. for respondent – State.

Mr. G.D. Kale, Advocate for respondent no.2.

Mr. K.J. Suryawanshi, Advocate for respondent no.3.

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**CORAM : S.V. GANGAPURWALA AND
R.G. AVACHAT, JJ.**

DATED : 30th NOVEMBER, 2018

ORDER :

The petitioners seek directions against Respondent nos. 2 and 3 to pay the petitioners the amount towards leave encashment and gratuity.

2. We have heard the learned Counsel for the applicant.

3. On 10th September, 2018, we had passed an order expecting

Respondent no.1 – Secretary, Co-operation and Textile Department, Mantralaya, Mumbai to step in and resolve the anomalous situation.

4. Pursuant to the said order, the Principal Secretary, Co-operation had called for the meeting of the concerned parties on 15th October, 2018 and thereafter amicable solution was arrived at. The Secretary filed an affidavit before this Court. In the affidavit it is stated by the Secretary that the Chairman and CEO of the Nanded District Central Co-operative Bank Ltd. agreed to debit the outstanding dues on account of the contribution by the Primary Agriculture Co-operative Societies (PACS) from the Savings and Current Accounts of the PACS with the 'Cooperative State Cadre Employment Fund' provided the concerned PACS submit a Resolution to that effect, which would be verified by the Nanded District Central Cooperative Bank. Thereafter on 25th October, 2018, we had passed an order directing the District Deputy Registrar (DDR), Nanded to collect the Resolutions at the behest of the Primary Agriculture Co-operative Societies and submit it to the Bank and the Bank shall act as agreed in the meeting referred to in the affidavit filed by the Principal Secretary. We expected the said exercise to be completed by the next date. The matter was kept on 29th November, 2018 i.e. today.

5. Today the learned A.G.P. has placed on record the communication received by him suggesting that the DDR has exerted and collected all the

Resolution from the PACS and has submitted it to the Nanded District Central Co-operative Bank Ltd. (NDCC).

6. Mr. Suryawanshi, the learned Counsel for the NDCC submits that some time would be required to verify the said Resolutions. The Resolutions are collected and submitted by the District Deputy Registrar, a Government Officer. It is presumed that the public officer has done his work diligently and regularly.

7. The NDCC may verify the claims within a period of two weeks from today and upon verification shall credit the amount in the account of the Zilla Dekhreh Sangh debiting the account of the concerned PACS. The amount as shown outstanding as per the DDR is to the tune of Rs.6,92,28,372/-.

8. In view of that on payment being made by Respondent no.3 in the account of Respondent no.2, Respondent no.2 shall make payment to the petitioners of the amount towards leave encashment and gratuity, as admissible, within a period of four weeks from the date of deposit of that amount in its account. With the aforesaid directions, both the writ petitions are disposed of. No costs.

(R.G. AVACHAT, J.)

(S.V. GANGAPURWALA, J.)

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