

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

903 CIVIL APPLICATION NO. 9073 OF 2014
IN LPA/176/2008

THE STATE OF MAH AND ORS
VERSUS
AHMEDNAGAR ZILLA MARATHA VIDYA PRASARAK SAMAJ AND ANR

...

AGP for Applicants : Mr. R.V. Dasalkar
Sr. Advocate for Respondents 1 & 2 : Mr. V.D. Hon
Advocate for Respondent 3 : Mr. A.R. Joshi
Advocate for Respondent 5 : Mr. C.K. Shinde

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904 CIVIL APPLICATION NO. 9075 OF 2014
IN LPA/180/2008

THE STATE OF MAH AND OTHERS
VERSUS
AHMEDNAGAR ZILLA MARATHA VIDYA PRASARAK SAMAJ AND ANR

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AGP for Applicants : Mr. P.G. Borade
Sr. Advocate for Respondents 1 & 2 : Mr. V.D. Hon
Advocate for Respondent 3 : Mr. A.R. Joshi
Advocate for Respondent 5 : Mr. C.K. Shinde

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905 CIVIL APPLICATION NO. 9076 OF 2014
IN LPA/178/2008

THE STATE OF MAH AND ORS
VERSUS
AHMEDNAGAR ZILLA MARATHA VIDYA PRASARAK SAMAJ AND ANR

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AGP for Applicants : Mr. M.M. Nerlikar
Sr. Advocate for Respondents 1 & 2 : Mr. V.D. Hon
Advocate for Respondent 3 : Mr. A.R. Joshi
Advocate for Respondent 4 : Mr. C.K. Shinde

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906 CIVIL APPLICATION NO. 9077 OF 2014
IN LPA/179/2008

THE STATE OF MAH AND ORS

VERSUS
AHMEDNAGAR ZILLA MARATHA VIDYA PRASARAK SAMAJ AND ANR

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AGP for Applicants : Mr. Y.G. Gujrathi
Sr. Advocate for Respondents 1 & 2 : Mr. V.D. Hon
Advocate for Respondent 3 : Mr. A.R. Joshi
Advocate for Respondent 4 : Mr. C.K. Shinde

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907 CIVIL APPLICATION NO. 9085 OF 2014
IN LPA/181/2008

THE STATE OF MAH AND OTHERS
VERSUS
AHMEDNAGAR ZILLA MARATHA VIDYA PRASARAK SAMAJ AND
OTHERS

...

AGP for Applicants : Mr. R.V. Dasalkar
Sr. Advocate for Respondents 1 & 2 : Mr. V.D. Hon
Advocate for Respondent 3 : Mr. A.R. Joshi
Advocate for Respondent 4 : Mr. C.K. Shinde

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**CORAM : T.V. NALAWADE AND
SUNIL K. KOTWAL, JJ.**

DATED : April 25, 2018.

PER COURT :

1. All the civil applications are filed for recalling the interim orders made by this Court in many Letters Patent Appeals (LPA) due to which the management was required to make payment in respect of leave encashment of the employees and liberty was given to the management to get the reimbursement of the said amount from the authority, Government. Both the sides are heard.

2) The submissions made show that writ petitions were filed by the management to challenge the order passed by Grievance Committee which was to the effect that the management should make the payment in respect of leave encashment. The learned Single Judge of this Court has rejected the petitions and so, LPAs were filed by the management. In those LPAs in various miscellaneous application, the aforesaid order is made as interim arrangement. It appears that the decisions of writ petitions were taken up to Supreme Court and Supreme Court has held that the Government cannot be made liable to make the payments in respect of leave encashment and thus, the management is not entitled to get reimbursement from the authority, Government. After making such order, the Apex Court has given the liberty to the Government to file appropriate proceeding in this Court on the basis of decision given by the Apex Court so that the pending matters are disposed of accordingly. It appears that after the decision given by the Apex Court in other matters of aforesaid nature, copy of said decision was produced in present LPAs and on the basis of observations made by the Apex Court, the LPAs itself came to be dismissed. If there was any interim order made in LPAs, that order automatically merged in to the order of dismissal passed by this Court. Thus, the interim order was also cancelled

automatically due to the order of dismissal of LPAs made by this Court. Thus, there was virtually no reason for the State Government to come to this Court for getting modification of the interim order or for prayer of recalling the order made in civil applications as interim arrangement. The learned counsel for management submitted that matters were already disposed of when the Apex Court had made some orders in other proceedings.

3. The learned APP submitted that by way of abundance precaution, to see that Government is entitled to recover amount paid to management the proceedings are filed as the State is entitled to recover that amount from the management. This Court holds that State is entitled to recover the amount. In aforesaid terms, all the civil applications are disposed of.

[SUNIL K. KOTWAL, J.]

[T.V. NALAWADE, J.]

ssc/