

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

**WRIT PETITION NO. 12174 OF 2016**

Ramesh Dhondiram Adwant and Others

..PETITIONERS

VERSUS

State of Maharashtra and Others

..RESPONDENTS

....  
Mr. Pradeep Deshmukh, Advocate h/f Mr. Y.P. Deshmukh, Advocate for  
petitioners.

Mr. S.B. Joshi, A.G.P. for respondent - State.

....

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

**DATED : 30<sup>th</sup> NOVEMBER, 2018**

**ORDER :**

The petitioners seek relief of leave encashment of 180 days.  
The petitioners retired on attaining the age of superannuation. They were  
serving with Respondent nos. 4 and 5.

2. Mr. Deshmukh, the learned Counsel submits that the  
petitioners had approached the Grievances Committee for payment of  
amount of leave encashment. The Grievances Committee favourably  
considered the case of the petitioners and forwarded the report to the  
Management Council. The Management Council accepted the report of

the Grievance Committee. The learned Counsel submits that as per Section 57 of the Maharashtra Universities Act, 1994, the decision of the Management Council is final and binding. The learned Counsel submits that till date the amount of leave encashment has not been paid by the respondents.

3. The learned A.G.P. submits that it is the responsibility of the management to pay the amount of leave encashment.

4. Notices for admission were issued to Respondent nos. 4 and 5. Respondent nos. 4 and 5 were served with the notices but none appeared. Thereafter notices of final disposal are issued to Respondent nos. 4 and 5 on 27<sup>th</sup> September, 2018. Same are also served upon them as per the office note. In spite of the service of notice of final disposal, none appeared for them.

5. The Grievances Committee had already submitted the report that the petitioners are entitled for the amount of leave encashment. As submitted by the learned Counsel for the petitioners, the Management Council has accepted the report. As per Section 57 of the Maharashtra Universities Act, 1994, the decision of the Management Council is

binding. Respondent nos. 4 and 5 were duty bound to impliment the order of the Management Council. The said order still holds the field.

6. It has been held by the Apex Court in the case of *Khandesh Education Society Vs. Arjun Hari Narkhede* reported in (2011) 7 SCC 172, that it is the responsibility of the Management Council to pay the amount of leave encashment.

7. In the result, Respondent nos. 4 and 5 shall pay the amount towards leave encashment to the petitioners and as directed by the Management Council with interest at the rate of 6% p.a. for the delayed payment from the date of the order of the Management Council, as expeditiously as possible and preferably within a period of three months from today. Writ petition is accordingly disposed of. No costs.

( R.G. AVACHAT, J. )

( S.V. GANGAPURWALA, J. )

SSD