

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

WRIT PETITION NO. 13541 OF 2017

Kusum Shankarrao Bansode & Ors.

... Petitioners

VERSUS

The State of Maharashtra & Ors.

... Respondents

.....
Mr D. R. Irale Patil, Advocate for the petitioners
Mr A. S. Shinde, AGP for respondent/State
.....

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.**

DATE : 14TH MARCH, 2018.

ORDER:

1. The petitioners assail the order seeking recovery of the amount of leave encashment.
2. We have heard the learned counsel for the petitioner and the learned Assistant Government Pleader for the State.
3. Upon perusal of the impugned order, it does not appear that the respondent had, before passing the impugned order, issued notices to the petitioners and afforded them an opportunity to put forth their say. When recovery is sought to be claimed of the amount

paid to the petitioners, it is necessary to seek say from the petitioners. The said procedure has not been adhered to.

4. In light of that, the impugned orders to the extent of the petitioners are quashed and set aside. The respondents, if they choose to seek recovery from the petitioners, shall issue notices to the petitioners, call for say from them and then take decision in accordance with law. The petitioners in that eventuality are entitled to place all the facts and their contentions before the respondent No.3.

5. Writ Petition is, accordingly, disposed of. No costs.

[A. M. DHAVAL]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

Punde