

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
53 WRIT PETITION NO.7637 OF 2018**

SUDHAKAR PRALHAD KULKARNI

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Prashant M. Nagargoje, Advocate for the
Petitioner.

Mr. S. G. Karlekar, AGP for Respondents-State.

Mr. L. S. Shaikh h/f Mr. Arvind Ramakant Joshi,
Advocate for Respondent No.3.

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

DATED : 16th JULY, 2019.

PER COURT:-

1. The learned counsel submits that the petitioner had approached the grievance committee seeking benefit of leave encashment. The petition of the petitioner is rejected on the ground of delay. The learned counsel submits that the similarly situated employees had also approached the grievance committee. Their applications for condonation of delay was rejected. They approached this Court. This Court in Writ Petition No.5539 of 2010 under order dated 10.06.2016 directed the grievance committee to consider the application on merits without going through the aspects of limitation. In fact, petitioner was also one of the applicant before the grievance committee alongwith petitioners in Writ Petition No.5539 of 2010.

2. We had issued notice to respondents. The respondent nos.4 and 5 are served, however, none appeared for respondent nos.4 and 5. Thereafter, we issued notice of final disposal to respondent nos.4 and 5. The notice of final disposal is also served upon respondent nos.4 and 5, still nobody appeared for respondent nos.4 and 5.

3. The petitioner is similarly situated as petitioners in Writ Petition No.5539 of 2010. This Court under order dated 10.06.2016 in Writ Petition No.5539 of 2010 had directed the grievance redressal committee to consider the application filed by the petitioners therein on merits without going through the issue of delay.

4. The petitioner being similarly situated as petitioners in Writ Petition No.5539 of 2010, we follow the same course:

The respondent no.3-Grievance Committee shall consider the application of the petitioner for grant of benefit of leave encashment on its own merits without going into the ground of delay expeditiously and preferably within a period of six (06) months after hearing all parties concerned.

5. Writ Petition is disposed of. No costs.

(MANGESH S. PATIL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE