

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

60 WRIT PETITION NO.8298 OF 2019
BHAGCHAND JAGANNATH PHATANGARE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

WITH

WRIT PETITION NO.14722 OF 2019
AHMEDNAGAR ZILLA MARATHA VIDYA PRASARAK SAMAJ
THROUGH SECRETARY AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

WITH

WRIT PETITION NO.14723 OF 2019
AHMEDNAGAR ZILLA MARATHA VIDYA PRASARAK SAMAJ
THROUGH SECRETARY AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr. Patil Pradip R.
Advocate for Petitioners in WP/14722/2019 & WP/14723/2019 :
Mr. Hon Ashwin V.
AGP for Respondents-State : Mr. V.M.Kagne.
Advocate for Respondent Nos.5 & 6 : Mr. Hon Ashwin V.

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**CORAM : S.V. GANGAPURWALA AND
AVINASH G. GHAROTE, JJ.**

DATE : 11.12.2019

PER COURT :-

1. In a Writ Petition filed by the employees, the employees seek implementation of the order of the Grievance Committee, whereas the institution has filed the Writ Petition challenging the order of the

Grievance Committee directing payment of the amount towards leave encashment.

2. According to Mr. Hon, the learned counsel for the institution, the petitioners approached the Grievance Committee belatedly. Out of two employees, one retired in the year 2011 and another in the year 2012 and approached the Grievance Committee only in the year 2017. The aspect of delay is not considered by the Grievance committee. Subsequently in the year 2015, Statute 424 (C) has been deleted. The petitioners are not entitled for leave encashment.

3. Statute 424(C) is deleted in the year 2015, the claim of the petitioners is prior to the said date.

4. In view of that, the deletion of Statute 424(C) would not be of any help or benefit for the institution.

5. The Grievance Committee has already entertained the petitions and has passed an order directing the institution to make payment towards leave encashment.

6. The discretion has been exercised by the Grievance Committee in entertaining the grievance of the petitioners.

7. In light of the above, the institution is bound to comply with the orders passed by the Grievance committee and accepted by the

Management Council.

8. The institution shall make the payment to the petitioners in Writ Petition No.8298 of 2019 as directed by the Grievance Committee within a period of four (4) months.

9. The Writ Petitions accordingly disposed off. No costs.

(AVINASH G. GHAROTE, J.)

(S.V. GANGAPURWALA, J.)

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vmk/-