

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

37 WRIT PETITION NO.8473 OF 2018

**VYANKAT NARAYAN BANDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

**Advocate for Petitioners: Mr. Bhavthankar Vivek
Vasantrao**

**AGP for Respondents State: Mr. K. B. Jadhavar
Advocate for Respondent No.3 : Mr. Ghanshyam Chinchole
h/for Mr. K. M. Nagarkar**

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

DATE : 11th March, 2019

PER COURT :

1. Learned counsel for the petitioner submits that after retirement of the petitioner, the petitioner is getting pension, however, the amount towards gratuity and leave encashment has not been paid. The petitioner has approached the authority on number of occasions, but of no avail.

2. We have heard learned AGP also.

3. Respondent no.3 shall take decision upon the request of the petitioner for release of gratuity and benefits of leave encashment within a period of two months from today. If the authority comes to the

conclusion that the amount towards gratuity and leave encashment is payable to the petitioner, the same shall be paid to the petitioner within three months thereafter.

4. With regard to the amount deducted from salary of the petitioner i.e. Rs.10,396/-, in case the Municipal Council has not deposited the said amount towards loan, then the said amount also be returned to the petitioner.

5. Writ petition is accordingly disposed of. No costs.

(A. M.DHAVAL, J.)

(S.V.GANGAPURWALA, J.)

JPC