

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10282 OF 2015

Baban Ramchandra Bhosale.

..Petitioner.

Versus

State of Maharashtra & Another.

..Respondents.

Mr. R. K. Mendadkar for the Petitioner.

Mrs. M. P. Thakur, AGP for the Respondent-State.

Ms. Savita A. Prabhune for Respondent No. 2.

Coram : RANJIT MORE &
SMT. BHARATI H. DANGRE, JJ.

Date : **July 4, 2019.**

P. C. :

1. In furtherance of our order dated 20th June 2019, the learned counsel for Respondent No.2 has placed before us the details of pensionary benefits due to the Petitioner on account of his superannuation with effect from 30th June 2019. In effect, in the communication placed on record by the learned counsel it is stated that the Petitioner is held entitled for payment of pension and gratuity and the amount of provident fund has also been calculated. The gift cheque of Rs.5,000/- is already paid to the Petitioner. The objection is only in respect of the leave encashment of 300 days and medical leave of 93 days and the amount to be paid to the Petitioner towards this encashment. The learned counsel for the Respondent expressed that the

Petitioner is not entitled for the said amount. We do not find merit in the said contention of the learned counsel for Respondent since the very case of the Petitioner is that he had entered into service as an open category candidate and at the fag end of his service, he was asked to submit the caste validity certificate. However he superannuated on 30th March 2019 and since the Respondent has already accepted his superannuation and calculated his pension, gratuity as well as the amount of CPF, we fail to understand as to how the encashment of leave can be considered to be dependent on the manner of entry of the Petitioner into service, either as an open category candidate or a reserved category candidate. In such circumstances, we direct Respondent No.2 to release the amount due towards the encashment of leave to the Petitioner within the period of three months from today. With these directions, writ petition is disposed of.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]