

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

WRIT PETITION NO. 10869 OF 2019

Kalandar Sikandar Tadavi and another

.. Petitioners

Versus

The Chairman,
Maharashtra Gramin Bank,
Aurangabad and others

.. Respondents

Mr. Balaji S. Chondhekar, Advocate for the Petitioners.

Mr. Pradeep L. Shahane, Advocate for Respondent Nos. 1 to 3.

**CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATED : 04th MARCH, 2020.

PER COURT:-

1. Mr. Chondhekar, the learned counsel for the petitioners submits that the petitioners were made to retire compulsorily. The benefit of leave encashment has not been accorded to the petitioners. The petitioners are entitled for the benefit of leave encashment as per Rule 61 (1) of the Maharashtra Gramin Bank (Officers and Employees) Service Regulations, 2010. The learned counsel relies on the judgment of the Division Bench of this Court in Writ Petition No. 1347 of 2016 dated 17.02.2017 and another judgment dated 01.04.2019 in Writ Petition No. 619 of 2018 with connected writ petitions.

2. Mr. Shahane, learned counsel for respondent Nos. 1 to 3 submits that departmental enquiry was initiated against the petitioners for

serious charges. Punishment of compulsory retirement was imposed upon the petitioners. In view of that, the petitioners were not entitled for the benefit of leave encashment.

3. The issue is no longer *res integra* in view of the judgment of the Division Bench of this Court in Writ Petition No. 1347 of 2016 dated 17.02.2017. It is further submitted that the said judgment is confirmed by the Apex Court in Special Leave Petition No. 19888 of 2017 under order dated 11.08.2017.

4. In Writ Petition No. 1347 of 2016 the petitioner therein was removed from service. In the present case, the petitioners are given lesser punishment.

5. In the light of the above, writ petition is allowed in terms of prayer clause (B). The amount shall be calculated and paid to the petitioners by the respondents within a period of three (03) months from today. In case, the amount is not paid within a period of three (03) months from today, then the respondents will be liable to pay interest at the rate of 8% per annum. Writ petition is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

P.S.B.