

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

941 WRIT PETITION NO.6555 OF 2019

RAJGOPAL BHIVAJIRAO SURVASE
VERSUS
JALGAON DISTRICT MARATHA VIDYA PRASARAK SANSTHA
JALGAON THROUGH ITS PRESIDENT AND OTHERS

...

Advocate for Petitioner : Mr. Deshpande Ajay S.
Advocate for Respondents 1 & 2 : Mr. A.D. Shinde
AGP for Respondent 3 : Mr. A.R. Kale

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**CORAM : S.V. GANGAPURWALA &
R.N. LADDHA, JJ.**
DATED : 18/11/2021.

PER COURT :

Mr. Shinde, learned counsel for respondent Nos. 1 and 2 submits that bailable warrant was issued to respondent No. 2. The learned counsel submits that respondent No. 2 could not appear as he had joined only in July 2021 and the matter earlier was to be looked after erstwhile member. He has tendered unconditional apology. The bailable warrant is already served upon him. The unconditional apology tendered by the respondent No. 2 is accepted.

2. Mr. A.S. Deshpande, learned counsel for the petitioner submits that the petitioner is entitled for the benefit as per the 7th Pay Commission. The learned counsel submits that the said benefit is not

extended to the petitioner in pension. The benefit of leave encashment was accorded to the petitioner, but only partially. The benefit of leave encashment of 186 days is not extended to the petitioner. According to the learned counsel, the retiral benefits also would be required to be paid as per the salary drawn in 7th Pay Commission.

3. Mr. Shinde, learned advocate for respondent Nos. 1 and 2 submits that service book of the petitioner has been misplaced. The same is also contended by the petitioner in the petition. The petitioner possesses photocopy of the service book. If it is given to the respondent Nos. 1 and 2, the respondent Nos. 1 and 2, on the basis of the same would submit the proposal to respondent No. 3 for grant of benefit under 7th Pay Commission and whatever residual of leave encashment benefits are available.

4. It appears that original service book is misplaced, according to the contention of the respondents.

5. The petitioner possesses the photocopy of the service book. The petitioner shall within a period of two weeks give copy of the service book to respondent No. 2. The respondent No. 2 within two

weeks thereafter shall prepare the proposal and forward it to respondent No. 3. The proposal shall be with regard to the benefit of the 7th Pay Commission, whatever residual of leave encashment is available to the petitioner and the retiral benefits on the basis of the last salary drawn to the petitioner pursuant to the 7th Pay Commission as may be applicable. The respondent No. 3 on receipt of the proposal shall take decision upon it preferably within three months from the date of receipt of it.

6. Benefits that may be extended to the petitioner by the respondent No. 3 pursuant to the proposal submitted by the respondent No. 2 shall be paid to the petitioner preferably within three months thereafter.

7. Writ petition accordingly disposed of. No costs.

[R.N. LADDHA, J.]

[S.V. GANGAPURWALA, J.]

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