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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 2175 OF 2018

Surekha Suresh Khedekar

... Petitioner

Versus

The State of Maharashtra and Ors.

... Respondents

Mr. S. M. Katkar a/w Manisha Devkar for the Petitioner.

Ms. Sushma S. Bhende, AGP for the Respondent Nos. 1 to 3.

Mr. Imtiyaz Patel for the Respondent Nos. 4 and 5-Management.

**CORAM: R. D. DHANUKA AND
R. N. LADDHA, JJ.**

DATE : 21st DECEMBER, 2021.

P.C. :-

. Rule. Ms. Bhende, learned AGP waives service for the respondent nos. 1 to 3. Mr. Patel, learned counsel waives services for the respondent nos.4 and 5. By consent of parties, petition is heard finally.

2. By this petition filed under Article 226 of the Constitution of India, the petitioner seeks writ of mandamus for an order and direction against the respondent no.2 to release the provident fund and leave encashment benefits along with 12% p.a. interest thereon from the date of superannuation of the petitioner.

3. It is the case of the petitioner that the petitioner has already submitted the proposal for retiral benefits of the petitioner on behalf of

the Management. The learned AGP however invited our attention to the averments made in paragraphs 3 and 4 of the affidavit-in-reply filed by Mrs. Pradnya Vasant Joshi, Superintendent, Pay and Provident (Secondary), District - Sindhudurg, notarized on 17th August, 2019 and would submit that so called proposal was submitted by the petitioner herself after her retirement. The said proposal was forwarded on 7th August, 2016. The petitioner was already retired on 31st July, 2015. She submits that the respondent no.4 had allegedly fabricated the signatures of the President and Secretary on the said proposal.

4. Learned counsel for the respondent nos. 3 and 4 on the other hand on instruction from Shri Avinash Rajaram Khanvilkar, Secretary and Mr. Jagannath A. Ghagare, Trustee of the Management states that they have no objection to submit a fresh proposal for payment of retiral benefit dues of the petitioner to the respondent no.2 within four weeks from today. Statement made by the learned counsel on instruction from the Honorary Secretary and Trustee is recorded as undertaking to this Court. Copy of the proposal that would be submitted by the respondent nos. 4 and 5 shall be furnished to the petitioner also. Upon receipt of such proposal, the said proposal for payment of retiral benefits shall be considered and processed within three weeks thereafter and shall be released along with provident fund and leave encashment within two weeks from the date of passing of such order. If the order is against the petitioner, the petitioner would be at liberty to file appropriate proceedings.

5. It is made clear that this Court has not expressed any views on the merits of the matter. All contentions of both the parties are kept open.

6. Writ Petition is allowed in aforesaid terms. Rule is made absolute accordingly. There shall be no order as to costs.

7. Parties to act on an authenticated copy of this order.

[R. N. LADDHA, J.]

[R. D. DHANUKA, J.]