

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3933 OF 2022

SUBHASH BHIKAJI GHAGRE
VERSUS
THE MAHARASHTRA STATE ELECTRICITY
DISTRIBUTION COMPANY LTD. AND OTHERS

...
Advocate for the Petitioner : Shri Sonavane Narendra D.
...

CORAM : RAVINDRA V. GHUGE
&
ANIL L. PANSARE, JJ.

DATE :- 22nd June, 2022

Per Court :-

1. By this Writ Petition, the petitioner has put forth
prayer clauses A and B as under :-

- “A) *Issue writ of mandamus or any other writ in the nature of direction to the respondents to pay the earned leave encashment of the petitioner as the petitioner is retired due to superannuation on 30.09.2021.*
- B) *Issue writ of mandamus or any other writ in the nature of direction to the respondents to decide the grievance of the petitioner as per application dt.30.01.2019, 07.05.2019 and 16.12.2021 as early as possible and within four weeks.”*

2. It is alleged that the petitioner is entitled to receive
Rs.4,75,000/-. He was a Line Helper with the erstwhile

Maharashtra State Electricity Board from 24.06.1989. He superannuated on 30.09.2021. He was allotted an official quarter from 25.01.2001 and he vacated the same on 18.08.2016.

3. We find from this petition that there are disputed issues as regards the unpaid electricity bills for the quarters occupied by the petitioner, the amount towards leave encashment, etc.. He has been paid Rs.3,06,614/- after the filing of this petition on 16.03.2020 and the remaining amount seems to be disputed.

4. In our view, the petitioner should have either raised an industrial dispute or should have filed an ULP complaint before the appropriate Tribunal or the Industrial Court at Aurangabad so as to get all these disputed issues adjudicated upon.

5. The learned advocate for the petitioner submits, on instructions, that the petitioner's application dated 16.05.2018 is pending before respondent No.3 and the same may be decided.

6. Since an innocuous prayer has been put forth and as we are not entertaining this petition on its merits, we are not issuing notice to the respondents.

7. This Writ Petition is disposed off with the

expectation that respondent No.3 would deal with the application of the petitioner as expeditiously as possible and preferably on or before 30.11.2022.

8. We make it clear that this Court would not exercise jurisdiction in the matters involving recovery of amounts in the backdrop of the disputed issues and if respondent No.3 passes an adverse order, the petitioner would be at liberty to avail of the statutory remedy as may be permissible in law by approaching the Industrial Tribunal or Industrial Court by raising an industrial dispute or ULP complaint for the redressal of his grievance.

kps

(ANIL L. PANSARE, J.)

(RAVINDRA V. GHUGE, J.)