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

36 WRIT PETITION NO.9212 OF 2022

ISAK USMAN SHAIKH
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS CHIEF
SECRETARY AND OTHERS

....

Mr M. N. Shaikh, Advocate h/f Mrs Fatema S. Kazi, Advocate for
petitioner;

Mr S. G. Karlekar, A.G.P. for respondent No.1

**CORAM : RAVINDRA V. GHUGE
AND
SANJAY A. DESHMUKH, JJ.**

DATE : 5th December, 2022

PER COURT:

1. The petitioner seeks payment of leave encashment from a Co-operative Bank, who is his employer. According to him, the leave encashment is a part of service conditions.

2. The employer of the petitioner is not a 'State' under Article 12 of the Constitution of India. The Chief Secretary of the State of Maharashtra has been arrayed as respondent No.1 only to make this petition maintainable before this Court. In fact, the petitioner should prefer a suit for recovery of unpaid amounts from the employer, who is a Co-operative Bank.

(2)

3. In view of the above, this petition is disposed off, with liberty to the petitioner to avail of a remedy, as is permissible in law.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)

sjk