

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

956 WRIT PETITION NO.12469 OF 2021

**SK. QUAYYUM MOHAMMED AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioners : Mr. Vitthal G. Salgare
AGP for Respondent / State : Mr. A.S. Shinde
Advocate for Respondent Nos.2 & 3 : Mr. S.V. Deshmukh

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**CORAM : MANGESH S. PATIL &
SANDEEP V. MARNE, JJ.**

DATE : 29-09-2022

ORAL ORDER (PER SANDEEP V. MARNE, J.) :

1. Mr. V.G. Salgare, learned Counsel for the petitioner tenders affidavit-in-rejoinder. It is taken on record.
2. The present petition is filed for a direction to pay leave salary in lieu of earned leave at the credit of the petitioners at the time of their retirement as per the provisions of Rule 68 of the Maharashtra Civil Services (Leave) Rules, 1981.
3. The petitioners were initially appointed on daily wages and subsequently were brought under regular temporary establishment and later were brought on regular permanent establishment on respondent nos.2 and 3 – Zilla Parishad.

4. The issue involved in the present petition is no more *res integra* and is covered by the decision of this Court in **Ambrushi Shrirang Chavan & Ors. v/s The State of Maharashtra & Ors**; AIR OnLine 2019 Bom. 1945 in which similar by placed employees were held entitled to the benefits of leave encashment. Consequently, we pass the following order.

ORDER

- (i) The writ petition is allowed.
- (ii) The respondent - Zilla Parishad is directed to extend the benefit of leave encashment and pay the monetary benefits arising therefrom to the petitioners within a period of four months from today.

(SANDEEP V. MARNE, J.)

(MANGESH S. PATIL, J.)