

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

WRIT PETITION NO.10 OF 2021

Prashant Naryan Bhalerao .. Petitioner

Versus

Secretary Maharashtra Academy
of Engineering and Educational
Research & Ors. .. Respondents

WITH

WRIT PETITION NO.9563 OF 2021

Secretary Maharashtra Academy
of Engineering and Educational
Research & Ors. .. Petitioners

Versus

Prashant Naryan Bhalerao .. Respondent

Mr. Aniesh Jadhav i/b Mr. Jigar Agrawal for the Petition in Writ
Petition No. 10/2021 and for Respondent in Writ Petition No.
9563/2021.

Mr. S.S. Shah for the Petitioner in Writ Petition No. 9563/2021
and Respondent No. 1 in Writ Petition No. 10/2021.

Mr. S.B. Kalel AGP for the State-Respondent No. 3.

Ms. Anjali N. Helekar a/w Mss. Anu Kaladharan for Respondent
No. 4.

Mr. Rajendra Ambhule for Respondent No. 5.

**CORAM: S. V. GANGAPURWALA &
R.N.LADDHA, JJ.**

DATE : 14th SEPTEMBER, 2022

P.C. :-

1. The employee is seeking implementation of orders of the grievance committee whereas the Management in another petition is assailing the order passed by the grievance committee.

2. It is submitted that the employee has approached the grievance committee in March 2018. The institution had become autonomous from April 2018. The question is about the jurisdiction.

3. The employee's claim is with regard to (i) encashment of earned leave; (ii) payment of gratuity and (iii) arrears of 6th pay commission

4. According to the petitioner, only part of the amount is paid whereas according to the learned counsel for the Management, the legitimate amount due and payable to the employee has been paid.

5. As far as the earned leave encashment is concerned, the same would be commensurate with the leave standing to the credit of the employee, subject to maximum of 180 days. As far as payment of gratuity is concerned, that may not be debatable as the employee claimed to have taken voluntary retirement in the year 2017. On the said date the institution was affiliated to the university and naturally governed by the Mumbai Universities Act and the statutes framed thereunder. As far as difference of the payment of salary of 6th pay is concerned, the calculation can be arrived by the Joint Director of Higher and Technical Institution.

6. In light of above, without entering into the debate as to the jurisdiction of the grievance committee to decide the matter

we pass the following order.

ORDER

- (I) The petitioner may file an application with the Joint Director of Technical and Higher Education detailing his claim.
- (ii) The Joint Director of of Technical and Higher Education, shall after issuing notice to the petitioner decide the amount of claim entitled to by the petitioner.
- (iii) The parties may place on record documents on which they rely. The Joint Director of Technical and Higher Education shall arrive at decision preferably within six months from the date of the application made by the petitioner.

7. With these observations, both the writ petitions are disposed of. No costs.

Digitally
signed by
YUGANDHARA
SHARAD
PATIL
Date:
2022.09.19
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(R.N.LADDHA J.)

(S. V. GANGAPURWALA, J.)