

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.4324 OF 2019

Shri Sukumar s/o Chandicharan Samui his legal LR's (1) Rama wd/o Sukumar Samui
and another

Vs.

Chairman-CumManaging Director Western Coalfields Limited, Nagpur and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Akshaya Sudame, Advocate for petitioners.

Mr. Pushkar, Ghare, Advocate h/f Mr. A. M. Ghare, Advocate for respondent No.2.

**CORAM : SANDEEP K. SHINDE AND
MRS. VRUSHALI V. JOSHI, JJ.**

DATED : 30/11/2022

1. Heard learned counsel for the parties.
2. Shri Sukumar Samui Ex-Chief Manager, Finance, Western Coalfields Limited superannuated from his service on 30.11.2016. He was not paid post retirement benefits including the amount payable for the leave encashment, on account of the disciplinary proceeding initiated against him. Shri Sukumar Samui thus filed this petition seeking direction to Western Coalfields Limited (WCL) to pay the amounts towards the encashment of Earned Leave with interest at the rate of Rs.18% per annum. During pendency of Writ Petition, Shri Sukumar Samui has passed away. Thereafter his wife and son are prosecuting the Writ Petition.

3. On 18.07.2019 the respondents were directed to deposit the leave encashment amount. In compliance thereof, WCL deposited Rs.19,28,969/- in the Registry of this Court.

4. The learned counsel for the petitioner would invite our attention to the communication dated 06.06.2022 addressed by WCL to the petitioner. This communication conveys that the enquiry initiated against Shri Sukumar Samui has been closed. In view thereof, the petitioner was directed to approach the appropriate authority for releasing the amount deposited by the WCL.

5. The learned counsel appearing for the WCL does not dispute this fact.

6. Thus in view of the communication dated 06.06.2022, the petitioner is permitted to withdraw the sum of Rs.19,28,969/- with interest accrued thereon.

7. In view of above, nothing survive in Writ Petition. It is accordingly disposed of with all applications, therein.

(MRS. VRUSHALI V. JOSHI, J.)

(SANDEEP K. SHINDE, J.)