

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

912 WRIT PETITION NO.978 OF 2023

SHIVAJI TRIMBAK KEDAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH
THE COMMISSIONER AND OTHERS

...

Advocate for Petitioner : Mr. Kanade Arun G.
AGP for Respondents/State : Mr. S.G. Sangle
Advocate for R/2 & 3: Mr. S.S. Tope

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CORAM : RAVINDRA V. GHUGE &
SANJAY A. DESHMUKH, JJ.
DATE : 3rd February, 2023

PC. :-

1. The petitioner has put-forth prayer clause-B as under:

“B) By issuing appropriate writ, directions or order in the like nature the respondent No.2 and 3 be directed to pay leave encashment and T.A. bill amount to the petitioner within stipulated period of one month with 12% interest from the date of retirement till its realization.”
2. The corporation has submitted an affidavit in reply and it is pointed out that a decision has been taken by the governing council to follow a legal procedure with regard to certain errant employees. The preliminary inquiry indicates material against them.

3. It is beyond debate that if the respondent-corporation desires to initiate some action against the petitioner, the principles of natural justice have to be followed. Since such a proceeding is contemplated and as is indicated by the resolution, we find that this petition need not be entertained.

4. This petition is, therefore, disposed off. The petitioner is at liberty to avail of a remedy as is permissible in law in the event any adverse order is passed by the corporation against him. If the corporation initiates a particular proceeding by following the settled procedure, the petitioner would be at liberty to participate in the said proceeding and all his contentions are kept open.

[SANJAY A. DESHMUKH, J.]

[RAVINDRA V. GHUGE, J.]