

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**NOTICE OF MOTION NO.419 OF 2019
IN
WRIT PETITION (L) NO. 32 OF 2019**

Suresh s/o. Manohar Thakur

..... Applicant /
Petitioner

Vs.

The State of Maharashtra & Ors.

..... Respondents

Mr. Sushant Yeramwar for the Applicant / Petitioner

Mr. Kedar Dighe, AGP for Respondent No.7

**CORAM: S.V.GANGAPURWALA, ACJ &
SANDEEP V. MARNE, J.**

DATED : MARCH 13, 2023

P.C.

1. The Notice of Motion is filed for restoration of the Writ Petition dismissed for non removal of office objection.

2. Heard the learned Counsel for the Petitioner and the Respondents.

3. For the reasons stated in the Notice of Motion, the Writ Petition is restored to its original position.

4. The learned Counsel for the Petitioner submits that the Petitioner was employed by Respondent Nos.2 to 4 from Thakar,

Nmadic Tribe category, however, subsequently, Thakar is brought in Scheduled Tribe category. Proposal of the Petitioner for validation is not decided by the Committee.

5. The Petitioner has retired from service. It is submitted that the Petitioner is receiving the pension so also the Petitioner is paid the amount of the provident fund, however, leave encashment and gratuity is withheld. The learned Counsel submits that the proposal is already moved to treat the Petitioner from open category. Same is pending with the Government. The proposal has been forwarded by Respondent Nos.2 to 4 (Page No.24 of the Writ Petition) to the Government.

6. The learned Counsel for the Petitioner submits that the Petitioner has also filed an Application with Respondent Nos.2 to 4 for release of gratuity and leave encashment in view of the subsequent policy of the State.

7. In case the proposal (Page No.24 of the Writ Petition) of the Petitioner forwarded by the Municipal Corporation, Mumbai is pending with Respondent No.1, then Respondent No.1 shall take decision upon its own merits in accordance with law, preferably within four months.

8. Respondent No.2 to 4 may decide the Application for release of gratuity and leave encashment on its own merits, expeditiously, preferably within four months.
9. The Writ Petition is disposed of. No costs.

(SANDEEP V. MARNE, J)

(ACTING CHIEF JUSTICE)