



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.7592 OF 2018

PETITIONER : Shri Ganba S/o Vithoba Burade,
Age 63 years, Occ: Retired, R/o
Shastri Nagar Tumsar, Dist Bhandara

..VERSUS..

RESPONDENTS : 1 Maharashtra State Electricity
Distribution Company Ltd Through
its Managing Director, Prakash Gad
Plot no G9, Anant Kanekar Marg
Bandra(E) Mumbai.

2 The Superintending Engineer,
Maharashtra State Electricity
Distribution Company Ltd NH6-
Vidya Nagar Bhandara.

3 Executive Engineer, Maharashtra
State Electricity Distribution
Company Ltd, Nh-6 Vidya Nagar
Bhandara.

Mr P. S. Tiwari, Advocate for Petitioner.

Mr A. D. Mohgaonkar, Advocate for Respondent Nos.2 and 3.

CORAM : SMT ANUJA PRABHUDESSAI AND
MRS VRUSHALI V. JOSHI, JJ.

DATED 19th DECEMBER, 2023.

ORAL JUDGMENT: (PER: SMT ANUJA PRABHUDESSAI, J.)

. **Rule.** Rule is made returnable forthwith. Heard finally
with consent of learned Counsel for the respective parties.

2. The petitioner seeks directions against the respondent Nos.1 to 3 to pay his dues towards leave encashment of unclaimed commuted leave of 180 days. The petitioner was appointed as Lineman in respondent No.1 – Company. He has superannuated from service on 31.10.2015.

3. The case of the petitioner is that he has not been paid leave encashment dues of unclaimed commuted leave of 180 days. This statement is disputed by the respondents. The respondents have placed on record service book of the petitioner as well as Office Order dated 04.12.2015, which *prima facie* indicates that the petitioner has availed leave of 180 days, while he was in service. The question, whether the petitioner has availed commuted leave of 180 days or not, is disputed of fact, which cannot be adjudicated in writ jurisdiction.

4. Since the petition involves disputed question of fact, the petition is dismissed with liberty to the petitioner to approach any other appropriate Authority for redressal of his grievance.

Rule is discharged.

(VRUSHALI V. JOSHI, J.)

(ANUJA PRABHUDESSAI, J.)