



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5132 OF 2020

Ahmednagar Zilla Maratha Vidya
Prasarak Samaj & another

.. Petitioner

versus

The State of Maharashtra & others

.. Respondents

Mr. A. V. Hon, Advocate for the Petitioner.

Mr. V. M. Chate, AGP for the State.

CORAM : R. M. JOSHI, J.

DATE : 22nd SEPTEMBER, 2025.

PER COURT :

1. This Petition takes exception to the order dated 14.03.2019 passed by the Grievance Committee of Pune University in Complaint No. 57/2018 whereby the Respondents herein are directed to be paid encashment of earned leave for a period of 180 days.

2. Petitioner is a trust which runs college affiliated to Savitribai Phule Pune University. Respondent No. 4 was appointed with the Petitioner No. 2 – college, who is no retired after attaining age of superannuation. He made representation to the University for encashment of earned leave under Statute 424(c) of Pune University. Since it was the case of Respondent No. 4 that the Petitioners failed

to decide representation, Writ Petition No. 11600/2017 came to be filed before this Court. This Court, while disposing of the Writ Petition, directed Respondent No. 4 to approach the Grievance Committee. Review was preferred against the order passed by this Court on 19.12.2017 claiming that the Grievance Committee has not been constituted. However, by the time the review application was decided, the Grievance Committee came to be constituted. Hence, review application was disposed of. Respondent No. 4, therefore, approached the Grievance Committee by filing Complaint No. 57/2018 claiming encashment of earned leave. Since the Grievance Committee held that Respondent No. 4 is entitled for encashment of earned leave for 180 days, this Petition.

3. Learned counsel for Petitioners submits that Respondent No. 4 retired from service on attaining age of super annuation on 31.05.2006. Thus, it is his submission that the proceeding has been filed before the Grievance Committee after 13 years of retirement. It is submitted that the Grievance Committee ought to have entertained said complaint on the ground that the same suffers by delay and laches. It is further argued on behalf of Petitioners that Statute 424(c) is repelled with effect from 03.02.2015 and as such on the

date of filing of the proceeding, for absence of such statute, there is no justification for passing of the order impugned.

4. Perused the Petition and supporting documents. Record indicates that as back as in the year 2005, the Petitioners had addressed letter to Joint Director of Higher Education after receiving application from Respondent No. 4 for leave encashment seeking opinion thereon. It is the case of the Petitioners that such opinion was not received till the date of filing of the Petition. The said contention of Petitioners in the Petition itself indicates that Respondent No. 4 even before his actual date of super annuation had applied for leave encashment. There is no dispute about the fact that Statute 424(c) is repelled with effect from 03.02.2015. Thus, as on the date of application so also on the date of super annuation of Respondent No. 4, the said Statute was well in operation. Thus, as on that date, Respondent No. 4 was entitled to receive leave encashment amount.

5. Since there existed Statute enabling Respondent No. 4 to get leave encashment and since application to that effect was filed, Respondent No. 4 cannot be held responsible for any opinion not

being expressed by the Joint Director of Higher Education. If any such opinion was necessary, it was for the Petitioners to pursue the same before the said authority.

6. Needless to say that filing of Petition before this Court so also review application indicates that Respondent No. 4 was making demand consistently. Since the Grievance Committee was not in existence, review application was also filed before this Court. However, after constitution of the Grievance Committee, complaint came to be made before the Grievance Committee in the year 2018-2019. Respondent No. 4, therefore, cannot be held responsible for filing of the complaint after lapse of even substantial period of his super annuation.

7. In any case, having regard to the fact that Statute 424(c) provided for entitlement of Respondent No. 4 to receive leave encashment, it was an obligation of the Petitioners to pay the same. Thus, there is no substance in the contention of learned counsel for the Petitioners that the application suffers from delay and laches. Pertinently, the Grievance Committee has passed order on 14.03.2019 directing payment of leave encashment of 180 days

within a period of 2 months. The said amount is yet to be paid to Respondent No. 4.

8. In view of the above, Petition is dismissed with direction to pay the amount, if not paid earlier, to Respondent No. 4, within a period of four weeks from today. Non-payment of the amount shall be construed as contempt of order of this Court and appropriate action would be taken against the concerned responsible persons. Similarly, after 4 weeks the amount payable to the Respondent No. 4, shall carry interest at the rate of 7% per annum till date of realisation.

(R. M. JOSHI)
Judge

dyb