

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

WRIT PETITION NO. 17815 OF 2024

Deepak B. Rohra. ... Petitioner
Versus
The State of Maharashtra & Ors. ... Respondents.

Mr. Laxman S Deshmukh, for the Petitioner.

Ms. N.M. Mehra, AGP for Respondent/State.

**CORAM : RAVINDRA V. GHUGE AND
ASHWIN D. BHOBE, JJ.**

DATE : 12th FEBRUARY, 2025

P.C. :

1. We have heard the learned Advocate for the Petitioner and perused the prayers by which the Petitioner desires that this Court should issue a Writ of Mandamus to a private minority institution with regard to the recovery of a disputed voluntary retirement compensation amount, gratuity and 300 days of earned leave, along with 18% interest.

2. We are not entertaining this Petition for the following reasons :

(a) This Court can not deal with the Writ Petition treating it to be a recovery suit and recover amounts due and payable to the Petitioner

from a private institution.

(b) The Respondent No. 6 is a minority private institution and the amount claimed by the Petitioner is only from such institution and the Petitioner's service was on no grant basis.

(c) The State has no role to play in this matter.

(d) The learned Advocate appearing on Advocate's notice on behalf of the Minority Institution submits that it has already paid leave encashment to the maximum extent of 150 days and it is disputed that the Petitioner was entitled to 300 days' leave encashment.

(e) Respondent No. 6 further submits that the quantum of leave encashment is being disputed by the Petitioner and the disputed issues should not be gone into by this Court.

(f) Respondent No. 6 has already paid the gratuity amount of Rs. 3,22,754/-, to the Petitioner. Any demand beyond the said amount is disputed by the Management.

(g) Disputed issues cannot be considered by this Court in the light of the Judgment of the Hon'ble Supreme Court in *Assistant Commissioner(CT) LTU, Kakinada & Others v/s. M/s. Glaxo Smith Klin Consumer Health Care Ltd.*¹.

3. In view of the above, **this Petition is disposed off.**

4. If the Petitioner desires to avail of the remedy of filing a recovery suit, since the cause against the private Management dates back to 2023 and her claim would be within limitation, the disposal of this Petition would not be an impediment and would not influence the Court dealing with such a suit. All contentions are kept open.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)