

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 6820 OF 2014

Premanand Jangu Pawar

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri Chetan V. Bhadane, Advocate for the Petitioner.

Shri K. G. Patil, Addl.G.P. for Respondent Nos. 1 to 4.

**CORAM : S. V. GANGAPURWALA AND
V. L. ACHLIYA, JJ.**

DATE : 05TH FEBRUARY, 2015.

PER COURT :

. Mr. Bhadane, the learned counsel submits that, the retiral benefits of the petitioner are not being disbursed. There are no Government dues outstanding against the petitioner. The Government dues are cleared by the petitioner. It is liability of the petitioner to clear the bank dues. The petitioner is taking steps to clear the said dues. According to the learned counsel, the retiral benefits could not have been withheld by respondents.

2. Mr. Patil, the learned Additional Government Pleader submits that, the dues recoverable from the petitioner by various banks are more than Rs. 12,54,000/-. During the service, the petitioner had obtained loans from the banks. Rule 125 of the

Maharashtra Civil Services (Pension) Rules, 1982 required the employer to intimate the dues recoverable from the employee to the respondent No. 4. The learned Additional Government Pleader also relies on Rule 127 of the M. C. S. (Pension) Rules.

3. It appears that, the department has undertaken to recover the bank dues if any from the retiral benefits of employee in case of any eventuality.

4. The Government dues are not outstanding as on today. The petitioner has paid Government dues is not disputed. But there is no provision of withholding pension of the petitioner.

5. Considering the above, we pass following order.

6. The respondents shall release the pension to the petitioner. As far as other retiral benefits are concerned those retiral benefits other than pension, the respondents shall consider the dues and take decision accordingly. The pension papers of the petitioner be processed expeditiously considering the fact that, the petitioner has retired long back. The writ petition disposed of. No costs.

[V. L ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]