

UNREPORTED

IN THE HIGH COURT OF JUDICATURE AT

BOMBAY

BENCH AT AURANGABAD.

WRIT PETITION NO.2085 OF 2016

Madan S/o Rangnath Taware,
Age 58 years, Occ.Service,
R/o Lanjeshwar Tq.Bhoom,
Dist.Osmanabad. ...Petitioner.

Versus

1. The State of Maharashtra,
Tribal Development Department,
through its Secretary,
Mantralaya, Mumbai-32.

2. The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad,
through its Deputy Director/
Member.

3. The Administrative Officer,
(Transport), Transport Office,
Maghthane Agar (BEST), Near
Tata Vidhyut Sanghrahi Kendra,
Boriwali(E), Mumbai-66. ... Respondents.

...

Mr.P.V.Jadhavar, advocate for the petitioner
Mr.A.M.Phule, A.G.P for the State

...

**CORAM : S.V.GANGAPURWALA AND
A.I.S.CHEEMA, JJ.**

Date : 28.03.2016.

ORAL JUDGMENT (Per S.V.Gangapurwala, J.)

1. Heard.

2. Rule. Rule returnable forthwith. With the consent of the parties taken up for final hearing.

3. Mr.Jadhavar, learned counsel submits that the validation proceedings in respect of the tribe claim of the petitioner is pending with the Committee. The same is not yet decided. The petitioner on 31.3.2016, is going to retire on attaining the age of superannuation. The Respondents in the letter have stated that the petitioner would not be entitled for any retiral benefits. According to the learned counsel, the petitioner is appointed in the year 1996. Even otherwise,th petitioner would be entitled for protection in service in view of the judgment of the Full Bench of this Court in a case of **"Arun S/o Vishwanath Sonone Vs. State of Maharashtra**

and others” reported in 2015(1) Mh.L.J.457.

4. Mr.Manorkar, learned counsel for Respondent No.3 submits that in case the petitioner's caste claim is invalidated then the petitioner would not be entitled for any retiral benefits and if there is a finding of fraud then even further action can be taken.

5. We have heard learned A.G.P also.

6. It is not disputed that the validation proceedings in respect of Tribe claim of the petitioner is pending with the Committee and the petitioner on attaining age of superannuation is going to retire after 31.3.2016. In light of that the Respondent No.3 shall process the pension papers of the petitioner and by that time if validation proceedings are not decided, shall sanction provisional pension to the petitioner. The Respondent No.3 can take further course of action in tune with the judgment of the Committee in validation proceedings.

7. The petitioner shall cooperate in expeditious disposal of the proceedings before the Committee. The petitioner shall appear before the Committee on 11.4.2016. The Committee shall decide the said proceedings expeditiously, considering that the same is pending since the year 2011, preferably within six (6) months.

8. Rule accordingly made absolute in above terms. No costs.

Sd/-
(A.I.S.CHEEMA, J.)

Sd/-
(S.V.GANGAPURWALA, J.)

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