

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

WRIT PETITION NO. 3705 OF 2016

Shivsing so Ramsing Jonwal

.. PETITIONER

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

Mr. S.M. Vibhute, advocate for petitioner.
Mr. S.S. Dande, AGP for the State.
Mr. S.S. Tope, advocate for respondents 2 and 3.

**WITH
WRIT PETITION NO. 5060 OF 2016**

Dashrath s/o Kisanrao Solunke

.. PETITIONER

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

Mr. S.M. Vibhute, advocate for petitioner.
Mr. V.M. Kangne, AGP for the State.
Mr. S.S. Tope, advocate for respondents 2 and 3.

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**CORAM : R.M. BORDE &
K. L. WADANE, JJ.
DATE : 21st JUNE, 2016.**

PER COURT :

1. Learned counsel for Zilla Parishad has placed on record communication issued by the Chief Executive Officer on 20.06.2016 informing that pension proposals of petitioners would be forwarded for sanction and that, failure of petitioners to submit validation certificate would not be considered as an impediment for disbursement of pension amount. Communication placed on record is marked 'X' for identification.

2. The Chief Executive Officer shall forward the proposal of both petitioners to the competent authority expeditiously and, respondent no. 4 shall take final decision on consideration of merits of the proposal, within a period of four months from the date of its receipt. Petitioners shall not be held ineligible and shall be granted pension without waiting for or without insisting upon production of validation certificate by them. It must be understood that to receive pension is the right of an employee by virtue of rendering continuous service and the said right cannot be denied. Even otherwise, it is a policy of the State which has found recognition in various judgments including Full Bench judgment of this Court in the matter of Arun s/o Vishwanath Sonone vs. State of Maharashtra and others reported in **2015(1) Mh.L.J. 457** that the reserve category employees who are appointed prior to the year 2000 need to be extended protection in the matter of employment. It is also not a matter of dispute that both the employees are inducted in employment prior to 2000 and, even otherwise, they are entitled to claim protection in respect of employment even if they fail to submit validation certificates. In the instant matter, since the issue is in respect of awarding pension, applying the similar analogy, petitioners cannot be denied entitlement to claim pension and other monetary terminal benefits.

3. In view of reasons stated above, writ petition stands disposed of.

(K. L. WADANE)
JUDGE

dyb

(R. M. BORDE)
JUDGE