

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

WRIT PETITION NO. 8111 OF 2016

Shridhar s/o Sonaji Ghane,
age: 60 years, Occ: Retired,
R/o Vidhya Nagar, Beed,
Tq. & District Beed.

.. 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 Tahsildar/Executive Magistrate,
Beed, Tq. & District Beed.
- 4 The Executive Engineer,
Small Scale Irrigation,
(Water Conservation Department),
Beed, Tq. & Dist.Beed.
- 5 The Superintendent Engineer,
Small Scale Irrigation,
(Water Conservation Department),
Aurangabad, Tq. & Dist.Aurangabad.
- 6 The Account General,
Office of Account General,
(Pension) Branch Office, Nagpur,
Tq. Dist. Nagpur.

.. RESPONDENTS

Mr.P.V.Jadhavar, advocate for the petitioner.
Mr.P.S.Patil, A.G.P. For Respondents No.1 to 3.
Respondents No.4 & 5 served.

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**CORAM : R.M. BORDE &
K. K. SONAWANE, JJ.
DATE : 1st SEPTEMBER, 2016.**

ORAL JUDGMENT (Per R.M.Borde, J.) :

1. Heard. Rule. Rule made returnable forthwith and heard finally by consent of learned Counsel for respective parties.
2. Petitioner is praying for issuance of directions to respondents 4 and 5 to release pensionary benefits accruable by petitioner as well as regular monthly pension amount receivable by petitioner.
3. Petitioner was appointed in the year 1981 as Jr. Clerk as against the vacancy reserved for Scheduled Tribe category. Tribe certificate issued by the competent committee in favour of petitioner certifying accordingly has been forwarded to respondent no. 2 Committee for verification. However, according to petitioner, the verification claim is still pending with respondent no. 2 Committee and no decision has yet been arrived at. Petitioner is retired on attaining age of super annuation on 31.07.2014. Pension claim of petitioner has been sanctioned by the Accountant General, however, the amount receivable by petitioner has not been released on account of failure of petitioner to submit validation certificate. As has been laid down by this Court in several decisions that to receive pension is a right earned by an employee by virtue of his continuous service for required number of years and such claim cannot be denied on account of failure to submit validation certificate. Even as per the policy laid down by the State Government which has been also pronounced and approved by Full Bench in the matter of Arun s/o Vishwanath Sonone Vs. State of Maharashtra reported in **2015(1) Mh.L.J. 457**, the employee appointed prior to 2001 is entitled to claim protection in employment. In the instant matter since

petitioner was appointed in the year 1981, as per the policy laid down by the State Government in the year 1995, as well as judgment of Full Bench recorded above, petitioner can validly claim protection in respect of his employment and as such pensionary benefits accruable by him cannot be denied.

4. For the reasons recorded above, writ petition deserves to be allowed and the same is accordingly allowed. Respondents are directed to release pensionary benefits receivable by petitioner together with arrears as expeditiously as possible preferably within a period of eight weeks from today and it is accordingly directed. Petitioner shall be paid monthly pension regularly within a period of eight weeks and the arrears, if any, shall also be disbursed within the time stipulated above. Rule is accordingly made absolute. No costs.

(K. K. SONAWANE)
JUDGE

(R. M. BORDE)
JUDGE

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