

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.9270 of 2016

Lingam Hanmantrao Patwekar

Petitioner

Versus

The State of Maharashtra & others

Respondents

Mr.Sagar S. Phatale, advocate for the petitioner
Mr.P.S.Patil, A.G.P. for Respondents.

**CORAM : R.M.BORDE &
K.K.SONAWANE, JJ.
DATE : 24th October, 2016**

PER COURT:

1 The petitioner is aggrieved by the communication dated 31.05.2016, issued by the Treasury Officer, Nanded, informing the petitioner that his pension proposal has not been forwarded to Respondent No.4-Accountant General, Nagpur, on account of his failure to submit validity certificate.

2 The petitioner belongs to Scheduled Tribe category and caste certificate issued to him has been referred to the Scrutiny Committee and proposal, in that regard, is pending for final decision of the Scrutiny Committee. The petitioner has already retired on attaining the age of superannuation on 31.05.2016.

3 Pension and pensionary benefits accruable to an employee cannot be withheld on account of his failure to submit validity certificate. The pension and pensionary benefits are earned by the employee by way of his continuous services rendered

to the department and financial benefits cannot be withheld.

4 The impugned communication dated 31.05.2016 is, therefore, quashed and set aside and the Treasury Officer, Nanded, is directed to forward pension proposal to Respondent No.4 – Accountant General, Nagpur, for consideration. The proposal for grant of pension and pensionary benefits, accruable to the petitioner, shall be considered on its own merits and shall not be rejected only on the ground of failure of the petitioner to submit validity certificate.

5 With the directions as above, writ petition stands disposed of.

K.K.SONAWANE
JUDGE

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R.M.BORDE
JUDGE