

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

WRIT PETITION NO. 10833 OF 2015

Kumari Meena Shankarrao Gomare .. Petitioner

Versus

The State of Maharashtra and others .. Respondent

Shri Sushant C. Yeramwar, Advocate for the Petitioner.
Mrs. M. A. Deshpande, A.G.P. for Respondent Nos. 1 to 3.

**CORAM : S. V. GANGAPURWALA AND
A. M. BADAR, JJ.**

DATE : 27TH JANUARY, 2016.

PER COURT :

. Mr. Yeramwar, the learned counsel submits that, the validation proceedings in respect of tribe claim of the petitioner is still pending. In the mean while the petitioner has attained age of superannuation. Her pension is not been released. This Court vide interim order dated October 27, 2015 had observed that, it would be open for the respondent No. 3 to release the pension amount admissible to the petitioner without insisting for production of validation certificate. The learned counsel submits that, even Accountant General, Nagpur has sanctioned pension to the petitioner, however, still the pension is not disbursed.

2. Mrs. Deshpande, the learned Assistant Government

Pleader submits that, other retiral benefits are already sanctioned and disbursed to the petitioner except monthly pension. The validity certificate is not yet received. In case tribe claim of the petitioner is invalidated, then the petitioner would not be entitled for the pensionary benefits.

3. Mr. Yeramwar, the learned counsel for the petitioner on instructions of the petitioner states that, if the validation proceedings are dismissed on the ground of fraud, then the petitioner undertakes to refund the pension amount received.

4. It is not disputed that, the validation proceedings in respect of tribe claim of the petitioner is pending with the respondent No. 2/Committee. The petitioner has retired on attaining age of superannuation. The said proceedings are pending since the year 2013. It is not the fault of the petitioner in the proceedings not being decided. Considering the fact that, the petitioner has retired from service, it would be appropriate to direct the respondent No. 3 to pay the pension amount to the petitioner. Hence we pass following order.

5. The respondent No. 3 shall pay the pension amount as determined by it to the petitioner. The respondent No. 2/Committee shall decide validation proceedings in respect of the tribe claim of the petitioner expeditiously. The payment of

pension amount would be subject to the decision of the Committee in validation proceedings. As undertaken by the petitioner, if the validation proceedings are dismissed on the ground of fraud on the part of the petitioner, then the petitioner shall refund the amount of pension received by her. The writ petition is disposed of. No costs.

[A. M. BADAR, J.]

[S. V. GANGAPURWALA, J.]

bsb/Jan. 16