

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11448 OF 2014

Avinash Dattatray Agellu ... Petitioner
Vs.
State of Maharashtra and another ... Respondents

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Mr. R.K. Mendadkar for the Petitioner.
Mr. C.P. Yadav, AGP for Respondent No.1-State.
Mr. C.M. Lokesh i/b. Mr. G.S. Hegde for Respondent No.2.

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**CORAM : S. C. DHARMADHIKARI &
B. P. COLABAWALLA, JJ.**

DATE : DECEMBER 14, 2016.

P.C. :

1. This petition was placed in the morning session and was kept back simply because Mr. Mendadkar submitted that despite retiring from the services of the Maharashtra State Road Transport Corporation, the petitioner is unable to obtain retiral benefits. They have been withheld because the petitioner could not supply and furnish a caste validity certificate.

2. The argument of Mr. Mendadkar was and continues to be that the petitioner had no control over the proceedings of the Caste Scrutiny Committee to which the relevant documents were submitted way back on 9th October 2000. Despite repeated visits and reminders in writing, the Scrutiny Committee could not complete its assignment and job and as a result, though the petitioner continued in service and retired, he has not been able to obtain the retiral benefits.

3. Upon such a petition, which was listed on several occasions before this Court prior to today, we inquired from the respondent's Advocate as to why no affidavit-in-reply is filed, nor any instructions are forthcoming.

4. The additional affidavit of the petitioner is also on the file.

5. A request was made by Mr. Lokesh, learned counsel appearing for respondent no.2, for adjournment to take instructions. We refused to grant adjournment in the morning session and placed the matter in the afternoon session to enable Mr. Lokesh to obtain instructions. Upon instructions from the Divisional Controller, Maharashtra State Road Transport Corporation, Pune Division, Pune, Mr. Lokesh makes a statement that within a period of four weeks from today, the retiral benefits as due and payable under the Rules, including pension benefit, will be released by the respondents. We accept this statement made on instructions as an undertaking to this Court. In default, all consequences will follow, including proceedings under the Contempt of Courts Act, 1971. We would also, in the event of default, direct personal recoveries from the higher level officers of the 2nd respondent-Corporation.

6. With these directions, the Writ Petition need not be kept pending and the same is disposed of.

(B. P. COLABAWALLA, J.)

(S. C. DHARMADHIKARI, J.)