

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 461/2016

(LALIT KUMAR DEVENDRADAS PADAM **VERSUS** STATE OF MAHARASHTRA & OTHERS)

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Shri T. Rahul, counsel for the petitioner.
 Mrs.R.A. Deshpande, A.G.P. for the R-1 & 2.
 Shri M. Anilkumar, counsel for the R-3.

CORAM : SMT.VASANTI A. NAIK AND
V.M. DESHPANDE, JJ.

DATE : MARCH 28, 2016.

By this writ petition, the petitioner seeks a direction to the respondent no.2-Scrutiny Committee to decide the caste claim of the petitioner expeditiously. The petitioner also seeks a direction to the respondent no.3-Bank to release the pensionary benefits to the petitioner.

The petitioner claims to belong to Mannewar Scheduled Tribe and was appointed by the respondent no.3-Bank on a post earmarked for the Scheduled Tribes. The petitioner attained the age of superannuation on 31.10.2013. The petitioner applied to the respondents for grant of pensionary benefits, however, the respondent no.3 refused to release the same in favour of the petitioner as the petitioner had not tendered the caste validity certificate.

Shri Rahul, the learned counsel for the petitioner, submitted that the petitioner had retired on attaining the age of superannuation and it would be necessary to direct the respondent no.2-Scrutiny Committee to decide the caste claim of the petitioner as expeditiously as possible. It is stated that the respondent no.3 may be directed to release the pensionary benefits in favour of the petitioner as soon as his caste claim is decided.

Mrs.Deshpande, the learned Assistant Government Pleader appearing on behalf of the respondent no.2-Scrutiny Committee, states on instructions that the caste claim of the petitioner is pending before the Scrutiny Committee and the petitioner has not tendered the caste claim in proper form, i.e. in Form-F. It is stated that the petitioner should cure the deficiencies and after they are cured, the respondent no.2-Scrutiny Committee would decide the caste claim of the petitioner within a period of one year.

The learned counsel for the respondent no.3-Bank states that after the caste claim of the petitioner is decided, the retiral benefits would be released in favour of the petitioner, if his caste claim is validated.

On hearing the learned counsel for the parties, it appears that the petitioner has not tendered the caste claim to the respondent no.2-Scrutiny Committee in the proper form. We dispose of the writ petition by directing the petitioner to remove the deficiencies within a period of four weeks. After the deficiencies are cured, the respondent no.2-Scrutiny Committee should decide the caste claim of the petitioner as early as possible and positively within a period of six months, since the petitioner has retired from service and is not receiving pension. The respondent no.3-Bank should release the pension in favour of the petitioner as soon as the caste claim of the petitioner is validated. The petitioner would be free to take up appropriate proceedings even if the caste claim is invalidated.

Order accordingly. No costs.

JUDGE

JUDGE