

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 4684/2015.

Purushottam Gulabrao Pataskar

-VERSUS-

Indian Audit and Account Department, Nagpur and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

CORAM : B.P. DHARMADHIKARI &
A.S. CHANDURKAR, JJ.

DATE : JULY 08, 2016.

Heard Shri P.S. Patil, learned Counsel for the petitioner, Shri N.R. Patil, learned A.G.P. for respondent nos. 1,2 and 4 and Shri V.S. Bapat, learned Counsel for respondent no.3.

2. Oral request made by the learned counsel for petitioner to join State of Maharashtra, through its Secretary, Home Department, Mantralaya, Mumbai – 32, is granted. Necessary amendment be carried out forthwith. Learned A.G.P. present in the court waives notice on behalf of the added respondent no.4.

3. Rule 130 of the Maharashtra Civil Services

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(Pension) Rules, 1982 postulates departmental proceedings as also judicial proceedings, and prohibit petitioner from receiving regular pension or gratuity till such proceedings are pending.

4. Here petitioner is an employee of a private school and he has retired after reaching the age of superannuation, as such against him departmental inquiry cannot be conducted. However, investigation into mid day meal scam is going on and these are criminal proceedings.

5. As these judicial proceedings are pending, we find nothing wrong with the action of respondent nos. 1 and 2.

6. Petitioner has reached age of superannuation on 31.08.2013. Thus, for past about three years, he is only getting about provisional pension and gratuity amount has not been released to him.

7. It is very difficult to comprehend that investigation into an criminal offence can continue for such a long period. Hence, without prejudice to the rights of the petitioner in the matter, we direct respondent no.4 State of Maharashtra to complete the

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investigation at the earliest and in any case within a period of two months from today.

8. With these directions and keeping all rival contentions open, we dispose of the Writ Petition. No costs.

JUDGE

JUDGE

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