

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

**WRIT PETITION NO. 2440 OF 2017**  
**(Devidas Laxmanrao Thokare Vs. The State of Maharashtra**  
**and others)**

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Mr.M.D. Narwadkar, Advocate for petitioner  
Mr.P.N. Kutti, A.G.P. for respondent Nos.1 and 2  
Mr.P.D. Suryawanshi, Advocate for respondent No.3

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**CORAM : S.V. GANGAPURWALA AND**  
**SANGITRAO S. PATIL, JJ.**

**DATE : 26<sup>th</sup> APRIL, 2017**

**ORAL ORDER:**

Heard.

2. Mr. Narwadkar, the learned counsel for the petitioner states that the retiral benefits of the petitioner are withheld without any reason.

3. According to Mr. Suryawanshi, the learned counsel for respondent No.3, the department enquiry initiated against the petitioner is still pending and the chargesheet is already served on him. The provisional pension is being paid to the petitioner, so also the benefit of leave encashment has been given to him and he is paid the said amount.

4. In view of the fact that the departmental

enquiry is pending, the petitioner will be entitled for provisional pension. The amount towards leave encashment has already been paid to him. The respondent No.3 may expedite the departmental enquiry initiated against the petitioner.

5. With the above observations and directions, the writ petition is disposed of. No costs.

**[SANGITRAO S. PATIL]**  
**JUDGE**

**[S.V. GANGAPURWALA]**  
**JUDGE**

npj/wp2440-2017