

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5615 OF 2005

(Madhukar Rangnath Bhavsar Vs. The State of
Maharashtra and others)

Mr. P.P. Chavan, Advocate for the petitioner
Mr. A.S. Shinde, A.G.P. for the respondent/State
Mr. Rakesh N. Jain, Advocate holding for Mr. D.S.
Bagul, Advocate for respondent No. 3

CORAM : T.V. NALAWADE AND
SANGITRAO S. PATIL, JJ.

DATE : 20th JUNE, 2017

PER COURT :

Heard the learned counsel for the petitioner,
the learned A.G.P. and the learned counsel for
respondent No. 3.

2. For the reasons to be recorded separately, the
Writ Petition is partly allowed with the following
order:-

(i) The impugned order directing to treat the
period from 31st December, 1994 to 20th November, 1996
as period of admissible leave of the petitioner, is
quashed and set aside and instead, the said period is
hereby directed to be treated as the period spent on
duty without backwages. The said period shall be
considered as qualifying service for the purpose of
pension and retiral benefits.

(ii) The pension papers of the petitioner shall be
processed accordingly.

(iii) The arrears of pension be paid to the petitioner with interest at the rates applicable for General Provident Fund, as declared from time to time, with effect from eight months after 31st December, 2000 (i.e. the date of retirement of the petitioner) till the date of payment of arrears.

(iv) The amount of gratuity shall be paid to the petitioner with interest at the rates applicable for General Provident Fund, as declared from time to time, within a period of three months from the date of this order.

(v) The impugned order directing recovery of an amount of Rs.15,428/- from the petitioner is maintained as it is.

(vi) Rule is made absolute in the above terms.

(vii) In view of disposal of the Writ Petition, the pending Civil Application stands disposed of.

(viii) No costs.

[SANGITRAO S. PATIL]
JUDGE

[T.V. NALAWADE]
JUDGE