

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

WRIT PETITION NO. 8480 OF 2015

Narayanrao Nagorao Kulkarni	.. Petitioner
Versus	
Chief Executive Officer, Z. P. Beed and others	.. Respondents

Shri G. K. Naik Thigale, Advocate for the Petitioner.
Shri S. S. Dambe, Advocate for the Respondent No. 1.
Shri P. S. Patil, Addl.G.P. for Respondent Nos. 2 and 3.

**CORAM : S. V. GANGAPURWALA AND
K. L. WADANE, JJ.
DATE : 09TH MARCH, 2017.**

PER COURT :

. We have heard Mr. Thigale, the learned counsel for the petitioner and Mr. Dambe, the learned counsel for the respondent No. 1. The grievance of the petitioner is non payment of gratuity and payment of interest on delayed payment towards difference in pay fixation.

2. It is not disputed that, judicial proceedings are pending against the petitioner that is the criminal case filed by the department. Rule 130 (c) of the Maharashtra Civil Services (Pension) Rules specifically lays down that, no gratuity shall be paid to the Government servant until the conclusion of department or judicial proceedings and issue is finalized therein.

3. In view of Rule 130 (c) of the M. C. S. (Pension) Rules and the factum of pendency of judicial proceedings and the departmental enquiry, the petitioner would not be entitled for the payment of gratuity.

4. As far as the payment of interest on the delayed payment is concerned, the petitioner has approached the Divisional Commissioner with regard to the pay fixation and other benefits. The Divisional Commissioner under his order dated 24.08.2012 had allowed the prayer of the petitioner for higher pay fixation and other service benefits. No order has been passed by the Commissioner, with regard to payment of interest thereon. The order of Commissioner is not assailed by the petitioner in the present writ petition.

5. The petitioner may approach the Divisional Commissioner, Aurangabad with regard to his prayer for interest on delayed payment, which the Commissioner would consider the same on its own merits. The petitioner may raise his grievance with regard to payment of gratuity depending upon the conclusion of the department or judicial proceedings. The writ petition is disposed of. No costs.

[K. L. WADANE, J.]

[S. V. GANGAPURWALA, J.]