

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

BENCH AT AURANGABAD.

WRIT PETITION NO.12203 OF 2017

Irrana S/o Sayaji Deshetwad ... Petitioner.

Versus

The State of Maharashtra
and others. ... Respondents.

...
Mr.S.M.Vibhute, advocate for the Petitioner.
Mr.P.S.Patil, Additional Government Pleader for
the State.

...

**CORAM : S.V.GANGAPURWALA AND
SMT.VIBHA KANKANWADI, JJ.**

Date : 30.10.2017.

PER COURT :

1. The petitioner was employed with Respondent No.4 and on attaining the age of superannuation, has retired on 31.5.2017. It is contended by the learned counsel that his tribe claim was referred for verification with the Committee in July 2013 but the tribe certificate

was cancelled on the ground of defect in nomenclature. The corrected tribe certificate is again submitted and the same is pending verification with the Committee. According to the learned counsel, the pension proposal is not yet forwarded.

2. The learned Additional Government Pleader submits that as the validity has not been granted to the petitioner, the pension proposal is not forwarded. In case tribe claim is invalidated then the petitioner would not be entitled for pension.

3. There can not be any dispute with the proposition that if the tribe claim is invalidated, the petitioner would not be entitled for pension. The petitioner has retired in May 2017. The pension papers are to be processed within six (6) months.

4. The Respondent No.6 Committee shall decide the validation proceedings in respect of the tribe claim of the petitioner expeditiously,

preferably within six (6) months. The petitioner shall appear before the Committee on 14.11.2017. The Respondent employer shall forward the pension proposal of the petitioner.

5. In case the validation proceedings are not decided within six (6) months as directed above then the employer shall pay provisional pension to the petitioner. In that case, the petitioner shall give an undertaking that in case his claim is invalidated, he will return the amount of pension received by him.

6. The Writ Petition is disposed of. No costs.

(SMT.VIBHA KANKANWADI, J.) (S.V.GANGAPURWALA, J.)

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