

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4762 OF 2014

Ramesh Baburao Chavan

..Petitioner

Vs.

State of Maharashtra, through its

Secretary, Tribal Development Department

and Others

..Respondents

WITH

WRIT PETITION NO.4760 OF 2014

WITH

CIVIL APPLICATION NO.2906 OF 2015

IN

WRIT PETITION NO.4760 OF 2014

Dilip M. Sankpal

..Applicant

Vs.

State of Maharashtra, through Secretary

Tribal Development Department

and Others

..Respondents

Mr. R. K. Mendadkar, for the Petitioner and for the Applicant
in CAW.2906/15.

Ms. Sushma Bhende, AGP, for the Respondent Nos.1 and 2
and for the Applicant in CAW.2906/15.

Mr. G. S. Hegde, for the Respondent No.3.

CORAM :- **S.C. DHARMADHIKARI &
B.P.COLABAWALLA, JJ.**
DATE :- **MARCH 10, 2017.**

P. C.:

These Writ Petitions were placed before us on the earlier two occasions.

2 Mr. Mendadkar appearing for the Petitioners in each one of this does not dispute that the Petitioners were appointed against seats reserved for a Scheduled Caste/ Scheduled Tribe. These posts were reserved in the employment of the Maharashtra State Road Transport Corporation. Mr. Mendadkar, does not dispute that ordinarily these employees, during the course of their service and after initial appointment, were obliged to produce the caste/tribe validity certificates from the competent Scrutiny Committee. The employment may have been on the basis of a caste/tribe certificate issued by the competent authority but the claim thereunder has to be verified and scrutinized in terms of Maharashtra Act 23 of 2001. That having not been verified till date of superannuation and after superannuation, the

Petitioners being called upon to produce those validity certificates, works injustice. The Petitioners have no control over the proceedings of the Scrutiny Committee. If they do not determine the claims even after caste certificates are forwarded for all these years/decades, then, after retirement, the Petitioners should not be deprived of their legitimate, terminal dues, benefits and retiral dues, including pension. It is on such argument of Mr. Mendadkar that we called upon Mr. Hegde to take instructions as to why sums have not been released.

3 Mr. Hegde, on taking instructions from the competent authority and officials in the Corporation states that post superannuation of these Petitioners they were paid their Provident Fund dues. Some of them have also received family pension. It is only the gratuity amount, leave encashment and the family pension due to some of the Petitioners which has not been released.

4 We enquired from Mr. Hegde, as to whether the

validity certificates have been obtained and the Scrutiny Committee made the necessary orders in that behalf, he fairly states on instructions that no orders of the Scrutiny Committee were received much less invalidating the claim of the Petitioners.

5 It is in these circumstances and though both sides are clearly aware of the mandate of Maharashtra Act 23 of 2001, the Government Resolutions in pursuance thereof mandating the obtaining of such validity certificates by employees and employer forwarding the said caste certificates for scrutiny and verification that we direct that in facts peculiar to this case and without this order being treated as precedent, all the balance amounts and if payable to the Petitioners shall be released by the Maharashtra State Road Transport Corporation. Such amounts be released only to these Petitioners and other employees cannot derive any benefits from the State. Even if these employees are similarly placed like the Petitioners, this order cannot be used as a precedent by them or the Corporation. The amount to be

released within a period of four weeks from the date of receipt of a copy of this order. The Writ Petitions are disposed off.

6 In view of the disposal of the Writ Petitions, nothing survives in the above Civil Application and the same is disposed off as such.

(B. P. COLABAWALLA, J.) (S. C. DHARMADHIKARI, J.)