

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 10498 OF 2015

Bhagwan Vitthal Thakar	}	Petitioner
versus		
State of Maharashtra	}	
and Ors.	}	Respondents

Mr. R. K. Mendadkar for the petitioner.

Ms. Aparna D. Vhatkar - AGP for
respondent nos. 1 and 2.

Mr. Rakesh Singh i/b. M/s. M. V. Kini and
Co. for respondent no. 3.

**CORAM :- S. C. DHARMADHIKARI &
B. P. COLABAWALLA, JJ.**

DATED :- FEBRUARY 9, 2017

P.C. :-

1. When this writ petition was placed before us on the earlier occasion, what we have noted was that the records in this case were not placed by the Registry. However, we heard a petition filed by Balkrishna Bhagwan Thakar being Writ Petition No.14145 of 2016. Balkrishna is the son of the present petitioner. After a detailed hearing, we dismissed Balkrishna's petition by our order dated 2nd February, 2017. The claim in the son's petition and the present petition is identical.

2. What we have noted is that in the facts and circumstances of the present case, in the first round, the committee invalidated the caste certificate of the petitioner. He approached this court in writ jurisdiction. That writ petition was allowed, the committee's order was set aside and the matter was relegated back to the committee. In the second round, the petitioner lost and together with his son, for the simple reason that they relied upon certain documents, but those were not found to be substantial enough. In the facts and circumstances peculiar to this case, we have found that the claim of the petitioner cannot be said to be false nor can the petitioner be accused of intentionally and deliberately misleading the committee. The petitioner took his chance, but could not succeed.

3. In these circumstances, we direct that respondent no. 2 employer shall release all the pensionary/terminal benefits to the petitioner, who is now retired from the services of the Bombay Electricity Supply and Transport Undertaking. The said undertaking, through its advocate, on instructions, has made a statement that within a period of eight weeks, the balance amount towards terminal benefits, such as gratuity, would be released and even the petitioner's entitlement to the pension would be protected by releasing the monthly pension amount and all

arrears. If the compliance is made as stated above within a period of eight weeks from today, the amount shall not carry any interest. If the amount is not released within eight weeks, the same shall carry interest at the rate of 9% from that date till the payment.

4. The writ petition is disposed of with these directions.

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