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IN THE HIGH COURT OF JUDICATURE AT BOMBAY,

BENCH AT AURANGABAD

WRIT PETITION NO.4222 OF 2009 WITH
CIVIL APPLICATION NO.6087 OF 2012 WITH
CIVIL APPLICATION NO.1263 OF 2014

Dr. Maruti s/o Venkatrao Dhoble
Age 61 years, Occu. Retired Dean and
Director of Instruction, Agricultural Faculty,
Marathwada Agricultural University, Parbhani,
R/o Gulmohar Apartment, Signal Camp,
Soot Mill Road, Latur, Tq. & Dist. Latur. ... PETITIONER

VERSUS

Marathwada Agricultural University,
Parbhani, Tq. & Dist. Parbhani,
through its Registrar ... RESPONDENTS

.....
Shri P.V. Mandlik, Senior Counsel with
Shri A.S. Gandhi, Advocate for petitioner
Shri V.G. Sakolkar, Advocate for respondent
.....

CORAM: T.V. NALAWADE AND
 SUNIL K. KOTWAL, JJ.

DATED : 22nd MARCH, 2018.

ORAL JUDGMENT (PER T.V. NALAWADE, J.):

1. This petition is filed to challenge the order made by
the Registrar of Marathwada Agricultural University, Parbhani on

30.12.2009, by which a decision was taken to see that the payment of gratuity amount of the petitioner is not made to him, the payment in respect of commutation of the pension is not made to him and total amount of Rs.9,52,912/- is withheld and kept with the University. Petitioner has contended that, in addition to that, the pension papers were not processed and the petitioner is getting only provisional pension at present. He retired in the year 2006 as Dean of the Department. Both the sides are heard.

2. The submissions made and the record show that, the petitioner was Associate Dean and Principal of Gymkhana Section. He had collected money for Gymkhana from students and that amount of Rs.3,50,000/- was kept in Account of Gymkhana in one Co-operative Bank. He was expected to keep the amount in Nationalised Bank. Subsequently, the Bank went into liquidation. Out of the amount of Rs.3,50,000/-, amount of Rs.2,00,000/- was withdrawn by the University, but the amount of Rs.1,50,000/- is not yet paid. It appears, in stages as and when the money will be available, the remaining amount will be returned by the Bank.

3. The submissions made and record show that, it was not a case of misappropriation of money. Further it was not

Government money and it was the money collected from students for the Sports Faculty. Ordinarily, the person like Associate Dean or Professor or Head of the Department has no occasion to touch the money collected by the students and the staff working under him takes care of collection and also the expenses. Only order of the Head like the present petitioner is obtained in that regard. Even if it is presumed that there was some misconduct on the part of the petitioner like not depositing amount in Nationalised Bank, at the end, in the departmental enquiry, there could not have been charge of misappropriation, and the penalty would not have been of removal from service. He has now retired. It is surprising that, his regular pension is withheld and he is being given provisional pension and the amount of commutation of pension is also withheld. There cannot be justification for such act of the University. This Court holds that, the relief claimed by the petitioner in this Writ Petition needs to be granted to him.

4. In the result, the petition is allowed in terms of prayer clause E. It is made clear that, within one month the amount of commutation pension needs to be released to the petitioner and the steps need to be taken for regular pension of the petitioner. The petitioner would be at liberty to take steps in respect of delay already caused in releasing this amount by

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making proper representation and after that, there will be separate cause of action for getting damages.

5. Rule made absolute in those terms.

6. In view of disposal of the Writ Petition, pending Civil Applications are disposed of.

(SUNIL K. KOTWAL)
JUDGE

(T.V. NALAWADE)
JUDGE

fmp/