

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

WRIT PETITION NO. 7307 OF 2013

Shankar Rakhmaji Sapkal and Others ..PETITIONERS

VERSUS

State of Maharashtra and Others ..RESPONDENTS

....
Mr. A.S. Golegaonkar, Advocate for petitioners.
Mr. S.P. Tiwari, A.G.P. for respondent - State.

....

**CORAM : S.V. GANGAPURWALA AND
R.G. AVACHAT, JJ.**

DATED : 06th DECEMBER, 2018

ORDER :

We have heard Mr. Golegaonkar, the learned Counsel for the petitioner and the learned A.G.P.

2. The affidavit is filed in Writ Petition No. 7177 of 2013 by the Assistant Commissioner, BC Cell in the office of Divisional Commissioner, Aurangabad. The relevant fact reads thus :-

“7) I say and submit that, by Government Resolution dated 05.06.2018 it is directed that no Government employee who have not submitted their caste validity certificate be removed from service till the Government takes decision on

the recommendations of the Cabinet Sub-Committee. No directions are given regarding stoppage of pension of employees who have retired from service without submitting their caste validity certificate. However, in view of the judgment and order passed by the Hon'ble Supreme Court on 06.07.2017 in Civil Appeal No. 8929/2015 Chairman and Managing Director FCI and others, the persons who have sought the benefit of public employment on the basis of a claim to belong to a beneficiary group and retired from public service without submitting their caste validity certificates, they are not entitled to pension. In view of this fact, the Government Circular dated 18.05.2013 and Government Corrigendum dated 30.07.2013 do not survive, though the Government has not yet cancelled the said Circular and Corrigendum.”

3. The affidavit states that the directions are already issued under Government Resolution dated 05th June, 2018 that no government employee who have not submitted their caste validity certificate be removed from the service till the Government takes decision on the recommendations of the Cabinet Sub-Committee. It further states that no directions are given regarding stoppage of pension of employees who have retired from the service without submitting their caste validity certificate. The case of the petitioner is covered under the said directions

as the petitioner is receiving pension. It is also submitted that the pension of the petitioner is never stopped.

4. As the matter is under consideration, there is no immediate apprehension to the petitioner to consider the matter on merits. In case some adverse action is proposed against the petitioner or decision / Government Resolution is issued to the adverse interest of the petitioner, then the petitioner would be entitled to assail the same. Writ petition accordingly disposed of. No costs.

(R.G. AVACHAT, J.)

(S.V. GANGAPURWALA, J.)

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