

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3978 OF 2018

Govind Trimbakrao Kanadkhedkar .. **Petitioner**

Versus

Chief Executive Officer,
Zilla Parishad, Nanded
and others

.. **Respondents**

Mr. Yogesh K. Bobade, Advocate for the Petitioner.
Ms. Yogita M. Kshirsagar, Advocate for Respondent
Nos. 1 to 3.
Respondent No. 2 served.

CORAM: S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.

DATE: 8th JANUARY, 2019

PER COURT :

1. Mr. Bobade, learned counsel for the petitioner seeks relief of all pensionary benefits. According to the learned counsel, the petitioner stands retired on attaining the age of superannuation on 31.10.2017. The petitioner was placed under suspension in September-2016. On account of the fact that criminal case is filed against the petitioner the departmental enquiry was not initiated against the petitioner. In view

of that, the learned counsel seeks regular pension with all retiral benefits.

2. We have heard the learned counsel for the respondents.

3. It is not disputed that the criminal prosecution is pending against the petitioner. Rule 130 of Maharashtra Civil Services (Pension) Rules, 1982 apply. In view of the said provision, the petitioner is entitled for provisional pension pending the judicial proceedings. As provisional pension is already sanctioned to the petitioner, the relief of pensionary benefits as claimed by the petitioner can not be granted.

4. The petitioner may make an application to the Court where the criminal prosecution is pending to decide his criminal prosecution expeditiously.

5. The writ petition is disposed of. No costs.

[A. M. DHAVAL, J.] [S. V. GANGAPURWALA, J.]
marathe