

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 13674 OF 2018

Baliram S/o Dagdu Rathod ...Petitioner

Versus

The State of Maharashtra and Ors. ...Respondents

Mr. S.M. Vibhute, Advocate for Petitioner
Mr. B.V. Virdhe, Assistant Government Pleader
for Respondent Nos. 1 and 2
Mr. B.S. Deshmukh, Advocate for Respondent Nos. 3 and 4

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVAL, JJ.**

DATE : 24th APRIL, 2019

ORAL ORDER:

1. The learned Counsel for the petitioner submits that the petitioner is getting regular pension and his only amount of gratuity is withheld. The present Writ Petition is restricted to the payment of gratuity amount.

2. Mr. Deshmukh, the learned Counsel for the respondent Nos. 3 and 4 submits that the criminal prosecution is pending against the petitioner in view of Rule 130 (c) of the Maharashtra Civil Services (Pension) Rules, the gratuity amount can be withheld if criminal prosecution is pending.

3. All the learned Counsel for the respective parties admit that the petitioner is exonerated in the departmental enquiry. Once the petitioner is exonerated in the departmental enquiry, then no purpose would be served by withholding gratuity amount.
4. The respondent shall release the amount of gratuity as admissible to the petitioner within a period of four months.
5. The Writ Petition is disposed of. No costs.

[A. M. DHAVALA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

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