

JPP

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

WRIT PETITION NO. 6374 OF 2016

Mr. Pandurang Narayan Sakpal ... Petitioner
(Since deceased through L.R's.)
V/s.

The State of Maharashtra and Ors. ... Respondents

Mr. Vinayak Kumbhar I/b. Sagar Mane for the Petitioner.
Ms. Nisha Mehra, AGP for Respondents 1 to 5.

***CORAM : PRADEEP NANDRAJOG, C.J. &
N.M. JAMDAR, J.***

DATE : 28 JUNE 2019.

P.C. :-

The claim of the deceased Petitioner was for disbursement of gratuity upon he superannuating as a Superintendent under a Respondent No.5 - College. The said College is a recognized College receiving grant-in-aid.

2. Gratuity was withheld on account of the deceased Petitioner being an accused in a Criminal Case.

3. Upon the death of the deceased Petitioner, the said proceedings have abated.

4. Gratuity was withheld on the ground that since deceased Petitioner was facing trial as an accused, the gratuity disbursement had to await till decision in the Criminal Case. Since the Petitioner has died and proceedings in the Criminal trial have abated, we dispose of the Petition directing the 2nd Respondent to now consider the case of the deceased Petitioner for disbursement of gratuity taking into account subsequent events. If gratuity is held to be payable, the 2nd Respondent shall decide who would pay the gratuity. Said decision would be taken within six weeks from today. The 5th Respondent, if required by the procedures of the law, is directed to forward the requisite proposal to the 2nd Respondent. If gratuity is held payable, the 2nd Respondent would ensure that the gratuity is disbursed to the Legal Heirs of the deceased Petitioner.

N.M. JAMDAR, J.

CHIEF JUSTICE