

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

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WRIT PETITION NO. 5830 OF 2021

Rajendra B. Dangre

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

Adv. Vaibhav Ugle, for the Petitioner.

Adv. M.S. Bane, AGP, for the Respondent – State.

**CORAM : PRASANNA B. VARALE &
N.R. BORKAR, JJ.**

DATE : SEPTEMBER 27, 2021.

PER COURT :

1. Heard learned Counsel for the Petitioner.
2. Petitioner is before this Court with principal prayer that directions be issued to the Respondents to release pension & other retiral benefits such as, gratuity and leave encashment etc.
3. The Petitioner who was an employee of Department of Fisheries was subjected to trial for the offences punishable under Sections 7, 13(1)(d) r.w. 13(2) of the Prevention of Corruption Act, 1988. Learned Ad-hoc Additional Sessions Judge, Nashik vide judgment and order dated 15.10.2009 in Special Case No. 11/2001 convicted the Petitioner holding him guilty of the said offences. Appeal against the order of learned Trial Judge is pending in this Court. On his conviction, the Respondents dismissed the Petitioner from service by order dated 09th September,

2010 invoking the provisions of Maharashtra Civil Services (Discipline & Appeal) Rules, 1979.

4. The learned Counsel for the Petitioner submits that the Respondents be directed to release provisional pension. However, it is not pointed under which provision, after dismissal from service, the employee can be granted provisional pension. Learned Counsel for the Petitioner then invited our attention to the communication placed on record. This is an communication forwarded to the Regional Deputy Commissioner, Nagpur by Assistant Commissioner, Fisheries, Gadchiroli. It appears from the said communication that Petitioner is entitled to leave encashment.

5. The Respondents and more particularly Respondent Nos. 2 and 3 are directed to make payment of retiral benefits to which the Petitioner is entitle to under the rules, such as leave encashment, etc as expeditiously as possible and not later than three months from the date of receipt of copy of this order.

6. As regards pension, the learned Counsel for the Petitioner submits that he be permitted to withdraw the Petition with liberty to file fresh Petition after the decision of criminal appeal filed by the Petitioner against his conviction.

7. Writ Petition is disposed of as withdrawn with liberty as prayed for.

(N.R. BORKAR, J.)

(PRASANNA B. VARALE, J.)