

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

949 WRIT PETITION NO. 302 OF 2022

EASHRAM NARAYAN DANDAGE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. D.R. Irale Patil
AGP for Respondent Nos. 1 and 2 : Mr. SK. Tambe
Advocate for Respondent No. 3 : Mr. S.S. Tope

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**CORAM : S. V. GANGAPURWALA AND
S. G. DIGE, JJ.**

DATE : 10th MARCH, 2022

PER COURT :-

1. The petitioner seeks direction against respondent No. 3 to release the pensionary benefits from the date of retirement. The petitioner also challenged the order passed by respondent No. 3 directing the petitioner to produce validity certificate.
2. The contention of the learned counsel for the petitioner is that petitioner is appointed from general category. The petitioner during entire tenure of service has not taken benefit of reservation. The petitioner retired from service upon attaining age of superannuation, however, his pension papers are not forwarded on the ground that the petitioner has not submitted the validity certificate.
3. There is no document on record to remotely suggest that the petitioner is appointed from reserved category and during his service tenure he got benefit of reservation. In light of that it would be inappropriate to direct the petitioner to submit the validity certificate so as to get retiral benefits.

4. The pension is not bounty, is right of employee, who retiring on attaining age of superannuation.
5. In light of the above, the impugned order is quashed and set aside. Respondent No. 3 shall process the pension papers and pay other retiral benefits. The authority shall not withhold pension papers on the ground that petitioner has not submitted validity certificate. The said process shall be exercised within a period of four (04) months.
6. Writ petition is disposed of. No costs.

(S.G. DIGE)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

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