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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

906 WRIT PETITION NO.9749 OF 2021

SANTOSH BALWANTRAO GHORPADE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Mr A. S. Shejwal, Advocate for petitioner;
Mrs M. A. Deshpande A.G.P. for respondents/State

**CORAM : RAVINDRA V. GHUGE
AND
S. G. DIGE, JJ.**

DATE : 5th April, 2022

PER COURT:

1. This matter was extensively heard on 31/03/2022 and today. With the assistance of the learned AGP, we have gone through the affidavit-in-reply filed by the Presenting Officer before the learned Maharashtra Administrative Tribunal, in Original Application No.763/2016.

2. There is no dispute that the petitioner has suffered conviction by a Judgment of the learned Special Judge, Aurangabad, dated 30/09/2003, delivered in Special Case No.23/1998. By an order dated 29/10/2003, this Court admitted the criminal appeal filed by the petitioner and suspended the order of sentence. Thereafter, he was granted bail.

(2)

3. It is well settled that a conviction of an employee in a criminal case leads to forfeiture of pensionary benefits/retiral benefits as well as forfeiture of gratuity, since the offence of moral turpitude is proved before the Court having criminal jurisdiction.

4. The learned Advocate for the petitioner submits, on instructions that, his hope lies in his pending appeal. If he succeeds in getting acquittal, he would get his retiral benefits, inclusive of leave encashment. He, therefore, seeks liberty to approach the Tribunal for renewing his request for leave encashment/retiral benefits, if the employer does not extend these benefits to him, in the event of his acquittal.

5. In view of the above, this petition is disposed off with liberty as is prayed for.

(S. G. DIGE, J.)

(RAVINDRA V. GHUGE, J.)