

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

58 WRIT PETITION NO.9358 OF 2022

**SURYAKANT LIMBRAJ THAKAR
VERSUS
THE STATE OF MAHARASHTRA
THROUGH ITS PRINCIPAL SECRETARY AND OTHERS**

...

Advocate for Petitioner: Mr. Yeramwar Sushant C.
AGP for Respondent/State: Mr. P. K. Lakhotiya

...

**CORAM: RAVINDRA V. GHUGE
AND
ARUN R. PEDNEKER, JJ.**

DATE: 21st SEPTEMBER, 2022

PER COURT:

1. The Petitioner has put-forth prayer clauses 'B', 'C' and 'D', as under:-

"(B) To quash and set aside the impugned Order dated 13.1.2020 passed by the Respondent No.3- Employer putting services of the Petitioner on supernumerary post for a temporary period of 11 months or till the date of retirement whichever is earlier for non-submission of the Certificate of Validity

(Exhibit-E) by issuing appropriate writ, orders, or directions as the case may be;

(C) To direct the Respondent No.2-Scheduled Tribe Certificate Scrutiny Committee, Pune to decide Tribe Claim of the Petitioner which is pending with the Committee since 11.10.2011 within a stipulated period as this Hon'ble Court deems fit, by issuing the appropriate writ, orders, or directions as the case may be;

(D) To direct the Respondent No.3 to grant and release the regular monthly pension and all the pensionary benefits to the Petitioner as the Petitioner is retired by superannuation on 31.1.2021 **(Exhibit-G)** and not to withhold the same on the count that services of the Petitioner were put on supernumerary post at the time of his retirement, by issuing

appropriate writ, orders, or directions as the case may be;"

2. The claim of the Petitioner is pending validation since 11.10.2011. This Petition is, therefore, disposed off with a direction to Respondent No.2, to decide the claim of the Petitioner as expeditiously as possible and in any case, on or before 31.01.2023.

3. The Petitioner would render cooperation and shall refrain from seeking adjournments on unreasonable or trivial grounds, lest the committee would be justified in moving forward to the next stage in the proceedings.

4. Since the Petitioner has superannuated and claims provisional pension on the basis of parity in the light of the several orders passed by this Court at the Principal Seat, at Aurangabad and at Nagpur, his provisional pension papers may be forwarded and he would be entitled to provisional pension only till the claim is

decided. Needless to state, if the claim is validated, the Petitioner would be entitled to all the benefits.

5. Since the vigilance inquiry has been completed and the Report is tendered to the committee, the Petitioner shall collect such Report from Respondent No.2 committee, on or before 30.09.2022, and thereafter appear before the committee at Pune at 11:00 am. on 10.10.2022. The written notes of submission shall be tendered on the same date.

[ARUN R. PEDNEKER, J.]

[RAVINDRA V. GHUGE, J.]

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