

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

920 CIVIL APPLICATION NO.1689 OF 2021
IN WRIT PETITION NO.9857 OF 2013

**PADAMSING GORAKH MAHALE
VERSUS
THE STATE OF MAHARASHTRA & OTHERS**

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Advocate for the applicant : Mr.M.A. Golegaonkwar h/f.
Mr.A.S.Golegaonkar

AGP for Respondent-State : Mr.S.R.Yadav
Advocate for Respondent no.6 : Mr.Ujwal Patil

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

DATE : 27.04.2022

P.C. :

1. On 11.04.2022, we had passed the following
order :-

1. Leave to add Zilla Parishad, Dhule in view
of the fact that the petitioner was initially
appointed in service by Dhule Zilla Parishad.
Addition of Zilla Parishad, Dhule through the
Chief Executive Officer as respondent No.6, be
carried out forthwith.

2. Issue notice to the added respondent
No.6. On the request of the Court, Mr.Ujwal

Patil, the learned Advocate has caused an appearance by waiving service of notice on behalf of respondent No.6.

3. We need to know as to whether the present petitioner has availed off any service benefit on the basis of his reservation during his entire service tenure, either with Zilla Parishad, Dhule or with Zilla Parishad, Nandurbar.

4. Stand over to 27.04.2022 in the “Urgent Orders Category”.

2. The learned Advocate appearing on behalf of the Zilla Parishad, Dhule, which had appointed the petitioner in it's service before creation of Zilla Parishad, Nandurbar, submits a compilation of three pages along with a covering letter dated 26.04.2022 addressed by the Chief Executive Officer, Zilla Parishad, Dhule to the learned Advocate. We are taking the said communication on record which is marked as 'X-1' collectively for identification.

3. The learned Advocate submits that the petitioner was never selected and appointed on a post

which was reserved for any backward category. He was appointed on a post which was in the open category. He had not availed off any service benefit on the basis of he belonging to the Thakur - Scheduled Tribe community.

4. Considering the said statement and keeping in view that the petitioner has superannuated on 30.04.2019, his pending Writ Petition pertaining to the invalidation of his tribe claim, would not impact the payment of his retiral benefits.

5. In view of the above, this Civil Application is allowed. Respondent no.5 is directed to commence the process for clearing the retiral benefits and the pension papers of the petitioner and payment of all the retiral benefits, as expeditiously as possible and ensure that the payment, which are due to him post retirement, are paid and the pension shall commence on or before 15th July, 2022.

[S.G.DIGE, J.]

[RAVINDRA V. GHUGE, J.]