

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

24 WRIT PETITION NO.11939 OF 2019

DNYANOBA RAMBHAU GAVHANE
VERSUS
SANSTHAN SHRI GURU MAHALING MATH THROUGH GPA
RAVANSIDDHA MAHADEVAYYA HIREMATH AND OTHERS

...
Advocate for Petitioner : Mr. Warad Sunil V.
AGP for Respondents-State : Mr. P. K. Lakhotiya.
Advocate for Respondent Nos.1 & 2 : Mr. P. M. Nagargoje.
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**CORAM : RAVINDRA V. GHUGE, AND
S. G. MEHARE, JJ.**

DATE : 28.02.2022

PER COURT :-

1. The petitioner submits that there is no disciplinary proceeding pending against him. The learned advocate representing respondent No.2 submits that as disciplinary proceedings were pending and since a criminal case in view of the FIR against the petitioner for having misappropriated amount, is also subjudice, the office of the A.G. did not clear his pension.
2. It is admitted that the criminal case is pending against the petitioner.

3. Respondent No.2-Management shall forward the papers for sanction of provisional pension to respondent No.5-Office, keeping in view that there is no dispute between the parties that the petitioner was appointed in 1989 as an "Assistant Teacher" and the office of the A.G. is under a misconception that the petitioner was appointed after 2005. Such papers for grant of provisional pension shall be moved by the Management, on or before 15.03.2022 and respondent No.5 would clear the said papers, as expeditiously as possible and in any case, on or before 08.04.2022.

4. Needless to state, if the petitioner is acquitted in the criminal trial and if, assuming that there is a disciplinary proceeding, he is also exonerated from the same, he would be entitled to full pension. In the event of any adverse order, his regular pension would be subject to the result of the said decision.

5. With the above directions, this petition is disposed off.

6. The amount of Rs.15,000/- (Rupees Fifteen Thousand only) deposited by the Education Officer pursuant to our

earlier order, shall be withdrawn by the petitioner under proper identification by the learned advocate, along with accrued interest, if any.

(S. G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)

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vmk/-