

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.10641 OF 2019

Shri Rajendra Vithu Koli	...	Petitioner
Versus		
The State of Maharashtra		
And Others	...	Respondents

Mr. Prajakt Arjunwadkar for the Petitioner.
Mrs. P.J. Diwan, AGP for Respondent Nos.1 and 4.
Mr. Kuldeep Pawar a/w Ruturaj Pawar for Respondent Nos.2 and 3.

**CORAM : S.V. GANGAPURWALA &
DHIRAJ SINGH THAKUR, JJ.**

DATE : 17 JUNE 2022

P. C. :

. The retiral and pensionary benefits of the Petitioner are withheld. It is submitted by learned Counsel for the Institution that the bank dues are outstanding against the Petitioner. The same required to be paid. The employer is duty bound to deduct the amount in view of the Sections 47/48 of the Maharashtra Co-operative Societies Act, 1960.

2 Learned Counsel for the Petitioner submits that the amount payable to the society by the Petitioner be directly paid to the society from the amount of gratuity and commutation of pension that may be receivable by the Petitioner and excess amount thereafter be paid to the Petitioner and regular pension also be paid.

3 The Petitioner has taken voluntary retirement and has retired with effect from 16 October 2016. It is unfortunate that the pension proposal

is not yet forwarded and processed.

4 The Institution shall accordingly forward the proposal for the retiral and pensionary benefits of the Petitioner. The said proposal shall be forwarded preferably within one month from today. The amount payable by Respondent No.5-society shall be notified by Respondent No.5-society to the Petitioner and Respondent Nos.2 and 3. From the amount of gratuity and commutation of pension payable, amount be deducted and directly paid to Respondent No.5-society and if surplus remains, the same should be tendered to the Petitioner. Regular pension be paid regularly.

5 Writ Petition is disposed of. No costs.

(DHIRAJ SINGH THAKUR, J.)

(S.V. GANGAPURWALA, J.)