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

918 WRIT PETITION NO.1100 OF 2023

**SMT. SUDHAMATI MANIKRAO GAIKWAD
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

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Mr Dnyaneshwar B. Gaikwad, Advocate for petitioner;
Mr S. G. Sangle, A.G.P. for respondents/State

**CORAM : RAVINDRA V. GHUGE
AND
SANJAY A. DESHMUKH, JJ.**

DATE : 10th February, 2023

PER COURT:

1. Leave to add the Competent Committee as Respondent No.
5. Addition be carried out forthwith. Issue notice to the added respondent, returnable forthwith. The learned A.G.P. waives service of notice on behalf of added respondent.
2. The petitioner has put forth prayer clauses (B), and (C), which read as under :-

“B) That this Hon’ble Court may be pleased to pass necessary order and to direct the respondents to consider the representation dated 18.8.2016, 29-8-2016 and give the pensionary benefits of her service with the respondents from her retirement date as per the Government decision and

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guidelines in respect of giving the pensionary benefits to the employees.

C) That the order dated 2.3.2020 in O.A. No. 947/2017 may kindly be quashed and set aside and to give all service benefits to the petitioner from the respondents.”

3. The petitioner had approached the learned Maharashtra Administrative Tribunal by preferring Original Application No.947/2017, seeking pension and pensionary benefits. She was selected and appointed on a post reserved for the Backward Category and she did not submit her validity certificate. Rather, she tendered an application post retirement on 31/08/2016, that as she retired, she does not need a validity certificate. On account of this reason, the retiral benefits have been withheld in the light of the law laid down by the Supreme Court in **Chairman and Managing Director, Food Corporation of India and others Vs. Jagdish Balaram Bahira and others, (2017) 8 SCC 670**. Consequentially, the learned Tribunal dismissed the Original Application filed by the petitioner.

4. During the course of the hearing in this petition, the petitioner was called upon to make a statement, as to whether she would agree to take her validation proceedings forward, so as to

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adjudicate her claim of belonging to 'Kanjarbhat' VJ(A). The learned Advocate for the petitioner has placed before us a handwritten original communication with the signature of the petitioner, dated 10/02/2023, addressed to the Competent Committee, Beed, stating that she is willing to participate in the proceedings which were aborted and would pray for validation of her claim. The said original document is taken on record and marked as 'X' for identification.

5. In view of the above, this petition is disposed off with the following directions:-

(a) The Registry of this Court shall handover the original communication 'X' to the learned A.G.P. appearing on behalf of respondent No.5/ Competent Committee, Beed, so as to be dealt with by the said Committee.

(b) The Committee shall proceed to initiate the Vigilance Cell inquiry by following the due procedure laid down in law and would endeavour to complete the proceedings and deliver an order, on or before 30/06/2023.

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(c) The petitioner would render wholehearted cooperation to the Committee and would refrain from seeking adjournment on unreasonable and trivial grounds.

(d) Since the petitioner has superannuated on 31/08/2016, we direct respondent/authority to process the papers of the petitioner for grant of provisional pension within 45 days.

(e) Needless to state, the issue of arrears would be subject to the result of the verdict of the Scrutiny Committee.

6. With the above directions, the impugned order of the learned Tribunal would stand modified. The payment of provisional pension would be subject to the result of the validation claim of the petitioner, and if her claim is invalidated, the pension would be stopped, until the claim is validated in any legal proceedings that may occur thereafter.

(SANJAY A. DESHMUKH, J.) (RAVINDRA V. GHUGE, J.)

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