

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

902 WRIT PETITION NO.4931 OF 2022

KAUTIKRAO MOTIRAM SAPKAL
VERSUS
CHIEF EXECUTIVE OFFICER AND ANOTHER

...
Advocate for Petitioner : Ms. Madhuri B. Jain
Advocate for Respondent No.1 : Mr. P.P. Dama
AGP for Respondents: Mr. S.G. Sangle
.....

**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 4th JANUARY, 2023.**

PER COURT :-

1. The direction of this court set out in paragraph 3 of the order dated 20.12.2021, in writ petition No. 7502 of 2021, has been complied with. The petitioner is receiving the provisional pension.

2. The petitioner has put forth prayer clauses "B" and "C", as under:-

"B) Be pleased to issue appropriate Writ and be pleased to pass necessary orders in the nature of Writ; to grant the pension and the gratuity amount to the petitioner.

C) Be pleased to issue Necessary Direction or appropriate Writ and be pleased to pass necessary order in the nature of writ; to continue the Provisional pension as well as no coercive steps should be taken against the petitioner till the disposal of

this Writ Petition.”

3. We have considered the submissions of the learned advocates for the respective sides.

4. The petitioner’s proposal for seeking validation of his claim of belonging to Koli Malhar, Scheduled Tribe was wrongly forwarded by the employer to the Kinwat Committee, instead of the Aurangabad Committee, in April, 2021. The petitioner had already superannuated on 28.02.2021. Thereafter, the employer was directed by the authorities to forward the proposal to the competent Committee. The petitioner was served with a letter dated 24.3.2022, directing him to upload his proposal online alongwith Form –C, tribe certificate and all related documents. The petitioner has been unable to comply with these directions.

5. Be that as it may, the gratuity amount of the petitioner cannot be withheld by the employer which is the Zilla Parishad. To this extent, we direct respondent No.1 Zilla Parishad to clear/pay the gratuity amount alongwith admissible interest, within three months, to the petitioner.

6. So far as the regular pension is concerned, we are issuing the following directions:-

- a) The petitioner shall upload his entire proposal, as required by the Committee, in view of the letter dated 24.3.2022, served upon him, on or before 31.01.2023. Thereafter, the petitioner would pursue the proposal for validation of his claim.
- b) The Committee shall decide the proposal of the petitioner on or before 30.11.2023.
- c) The petitioner shall render wholehearted cooperation and shall refrain from seeking adjournments.
- d) The provisional pension which is already being paid to the petitioner, pursuant to the order dated 20.12.2021, would be continued to be paid.
- e) Needless to state, if his claim is validated, he would be entitled for full pension alongwith arrears in view of the provisional pension being paid to him.

7. With the above directions, the writ petition is disposed off.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)

rlj/