

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**923 CIVIL APPLICATION NO.6051 OF 2023
IN WP/14207/2021**

KHALIL AHMED USMAN KHAN PATHAN
VERSUS
THE STATE OF MAHARASHTRA THROUGH IT'S SECRETARY AND
OTHERS

Mr.P.V.Ambade, Advocate for the Applicant.
Mr.P.K.Lakhotiya, AGP for Respondent Nos. 1, 2, 4 and 6.
Mr.H.I.Pathan, Advocate for Respondent No.5.

**(CORAM : RAVINDRA V. GHUGE AND
S.G.MEHARE, JJ.)**

DATE : SEPTEMBER 29, 2023

PER COURT :

1. The learned Advocate for the Petitioner submits that notwithstanding the controversy emerging from the Writ Petition, provisional pension may be paid to the Petitioner, which was initially paid for 6 months and stopped thereafter. He submits that the Petitioner would tender an affidavit undertaking in this Court declaring that he will accept the provisional pension subject to the result of the Writ Petition and if he is a recipient of excess pension under the interim order of this Court, he is willing to re-deposit the excess amount in this

Court.

2. In view of the above, on the condition that the Petitioner would tender an affidavit undertaking as noted above, within 15 days, with a copy to be served on Respondent No.5 within the same time, his proposal for provisional pension will be forwarded and the same be cleared within a period of 30 days. This order shall be subject to the result of the Petition and the Petitioner would be bound to the affidavit undertaking tendered.

3. In so far as arrears of monthly provisional pension from January 2022 is concerned, the same would be cleared by the Authorities within 60 days and this aspect would also be subject matter to the result in the Writ Petition as well as the affidavit/undertaking of the Petitioner.

4. With the above directions, **the Civil Application is disposed off.**

(S.G.MEHARE, J.)

(RAVINDRA V. GHUGE, J.)