

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

WRIT PETITION NO. 3772 OF 2021

Shri Rajendra Prabhakar Ingawale Petitioner

Vs.

Maharashtra Jeevan Pradhikaran & Ors. Respondents

Mr.N.V.Bandiwadekar, Sr.Advocate i/b Sou.Ashwini Bandiwadekar
for the Petitioner

Mr.Ajit Pitale for Respondent no.1 to 3

**CORAM: S.V.GANGAPURWALA, ACJ &
SANDEEP V. MARNE, J.**

DATED : FEBRUARY 28, 2023

P.C.

1 Heard the learned Senior Advocate for the Petitioner and the
learned counsel for the Respondents.

2 The Petitioner seeks direction to withdraw the amount of
Rs.4,55,134/- deposited by the present Respondents in Letters
Patent Appeal No.177 of 2006 under order dated 12.09.2006.

3 It is not disputed that the said amount is towards back wages.
40% were allowed to be withdrawn and 60% were to be directed to be
deposited in the court.

4 It is submitted that the inquiry is pending against the

Petitioner since the year 2007. However, as yet, no punishment has been imposed upon the Petitioner.

5 The learned counsel for the Respondents submits that order of punishment is not issued to the Petitioner as yet. Be that as it may, the Petitioner had already retired from the service on attaining the age of superannuation in the year 2018. Now, the order of termination or removal from service cannot be passed. It is submitted by the learned Senior Advocate for the Petitioner that all retiral benefits have been paid to the Petitioner.

6 In case some recovery is to be made by the Respondents then same can be done from the pension. However, there cannot be any propriety in withholding the amount of back wages.

7 In light of that, Writ Petition is allowed in terms of prayer clause (b) with accrued interest, if any.

(SANDEEP V. MARNE, J)

(ACTING CHIEF JUSTICE)