

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 327/2021

Pramod S/o Narayan Gunnale

Vs.

Chief General Manager and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri S.R. Narnaware, Advocate for the Petitioner
Shri D.M. Kale, Advocate for respondents 1 & 2,

CORAM : ROHIT B. DEO AND Y.G. KHOBRAGADE, JJ.

DATE : 24/01/2023

1. The retiral benefits of the petitioner, who superannuated on 31/07/2020 stand deposited by respondent-2 with the respondent-3 vide covering letter dated 04/11/2020.

2. The backdrop is that the petitioner was appointed as Junior Engineer on 04/09/1991 in vacancy reserved for the Scheduled Tribe and was promoted from time to time and as on the date of the superannuation was working as Additional Executive Engineer (Distribution).

3. The caste claim of the petitioner was referred to the Scrutiny Committee on 31/07/2013. The proposal was returned to the petitioner vide order dated 20/04/2018. The petitioner challenged the said order in Writ Petition 2833/2018, which is withdrawn on the ground that the grievance of the petitioner stands satisfied.

4. The retiral benefits appear to have been deposited with the Court only on the ground that the State Government had constituted Committee to consider the entitlement of the employees who may have claimed the benefit of reservation available to the Halba Tribe, to superannuation benefits.

5. We need not delve deeper in the submission of Shri Narnaware that the petitioner has been superannuated, the entitlement to retiral benefits stand crystallized and that pendency of final adjudication or for that matter the Constitution of the Committee by the State Government is not an impediment in releasing the retiral benefits.

6. The learned Counsel for respondents Shri Kale fairly invites our attention to the circular dated 18/01/2023 issued by the respondent MSEDCL which recognizes the entitlement of the employees like the petitioner to superannuation benefits. The circular is taken on record and marked as Exhibit "A" for identification.

7. Since it is now common ground that the retiral benefits of the petitioner cannot be withheld, we allow the petition by permitting the petitioner to withdraw the amount, along with interest accrued if any, which is deposited with respondent-3.