



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

WRIT PETITION NO.1917/2018

Ku. Mangala D/o Aagmaiyya Tallewar,
(after marriage Smt. Sangita Sudhir
Marsattiwar), aged about 52 Yrs.,
Occ. Clerk in Industrial Court,
Nagpur R/o Raj Nagar, Nagpur.

... Petitioner

- Versus -

1. The Scheduled Tribes Caste
Scrutiny Committee, Nagpur,
through its Member Secretary,
Adiwasi Bhavan, Giripeth,
Nagpur.

2. The President, Industrial Court,
Maharashtra, 2nd Floor, Administrative
Building, Near Chetna College,
Bandra (East), Mumbai 400 051.

... Respondents

Mr. R.S. Parsodkar, Counsel for the Petitioner.
Ms. Ritu Sharma, A.G.P. for Respondent Nos.1 and 2.

CORAM :- SMT. ANUJA PRABHUDESAI &
MRS. VRUSHALI V. JOSHI, JJ.

DATED :- 15.12.2023

ORAL JUDGMENT (Per Mrs. Vrushali V. Joshi, J.)

Heard. **Rule.** Rule made returnable forthwith. Heard
finally by consent of the learned Counsel for the parties.

2. The challenge is to the invalidation of the caste claim of the petitioner as belonging to “Chhatri” (Scheduled Tribe) by the Scrutiny Committee. The petitioner also seeks directions to respondent No.2 to release the entire retiral benefits viz.leave encashment, gratuity, commutation of pension and regular pension.

3. The petitioner who claims to be of “Chhatri” (Scheduled Caste), was appointed as clerk in Industrial Court, Nagpur. The Caste certificate issued in this regard was forwarded to the Caste Scrutiny Committee. The Caste Scrutiny Committee invalidated the caste claim of the petitioner mainly, on the basis of the Vigilance Cell Report, which relied upon a document (Kotwal entry), of the year 1930, which records that Aneya son of Bangaru Darji was born on 29.01.1930. The said entry is of the cousin of the petitioner and records his caste as Darji. The petitioner claims that Darji is not a caste but a profession (tailor). Hence, the Caste Scrutiny Committee was not justified in invalidating the caste claim on the basis of the said document by

ignoring all other documents, which prove that the petitioner belongs to Chhatri Scheduled Caste.

4. The petitioner has relied upon the Government Resolution dated 14.12.2022, wherein the Government has taken a policy decision not to deprive the Government employees of retiral benefits on the basis of invalidation of caste claim. The petitioner has relied upon the decision in **Writ Petition No. 248 of 2020 (Shamrao Shrawanji Nikhare (dead) through Legal Heirs .v/s. Scheduled Tribe Caste Certificate Scrutiny Committee and anr.)** to contend that she is entitled for retiral benefits despite invalidation of the caste claim.

5. Heard learned counsel for the petitioner and the learned Assistant Government Pleader for respondents. We have perused the records and considered the submissions advanced by the learned counsel appearing for the respective parties.

6. Learned counsel for the petitioner under instructions submits that the petitioner is restricting his relief to release all

retiral benefits. He has relied upon the Government Resolution dated 14.12.2022 and the decision of this Court in **Shamrao Shrawanji Nikhare (supra)** to contend that the petitioner is entitled for retiral benefits despite invalidation of caste claim.

7. The Government Resolution dated 14.12.2022 stipulates that the Government employees shall not be deprived of retiral benefits in view of invalidation of caste claim. Relying upon the said Government Resolution this Court has ordered release of retiral benefits in the case of **Shamrao Shrawanji Nikhare (supra)** as also in the case of **Ashok Natthuppa Shelgenwar .Vs. Accountant General (A and E) and ors.** (Writ Petition No.2397 of 2021 and in the case of **Kishor Govindrao Hinganikar Vs. State of Maharashtra and ors.** (Writ Petition No. 228 of 2022). The learned Assistant Government Pleader has not been able to point out any distinguishing features in this case vis-a-vis the aforesaid cases decided by the Co-ordinate Bench of this Court. Under these circumstances, we find no reason to deprive the petitioner of retiral benefits.

8. Hence, the petition is allowed and the respondent No.2 is directed to release the entire retiral benefits of the petitioner within six weeks from the date of receiving of copy of this judgment.

9. Rule is made absolute in the above terms. There shall be no orders as to costs.

(MRS. VRUSHALI V. JOSHI, J.)

(SMT. ANUJA PRABHUDESAI, J.)

Tambaskar.