

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

WRIT PETITION NO.2742 of 2021

Purushottam s/o Shankar Nandurkar

vs.

The State of Maharashtra through its Chief Secretary, General Administration Department,
and others.

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

Court's or Judge's Order

Shri S.R.Narnavare, Advocate for petitioner.

Shri Amit Madiwale, Assistant Government Pleader for respondents.

CORAM :- A.S.CHANDURKAR AND MRS.VRUSHALI V. JOSHI, JJ.

DATE :- JANUARY 12, 2023.

Heard.

The petitioner came to be appointed as 'Junior Clerk' in the Police Department on 24.08.1983. Though it is his case that he was appointed on an unreserved post, he submitted his tribe certificate claiming to belong to 'Halba' Scheduled Tribe. The petitioner was subsequently promoted on 27.03.2001 as 'Senior Clerk'. He also received subsequent promotions and ultimately superannuated on 31.10.2020. During the course of service the petitioner was placed not on a supernumerary post. Hence, on 12.11.2020 the petitioner's retiral benefits were withheld as the report of the study group was awaited. In this backdrop, the petitioner has challenged the order dated 12.11.2020.

During the pendency of the writ petition, the Government Resolution dated 21.12.2019 in view of which the impugned communication came to be issued has been withdrawn. In its place Government Resolution dated 14.12.2022 stipulates the manner in which retiral benefits consequent upon invalidation of the tribe claim are to be released.

The learned Assistant Government Pleader on instructions from the respondent no.5 submits that the process of considering the petitioner's

entitlement for retiral benefits as per Government Resolution dated 14.12.2022 is under process.

In view of aforesaid, the writ petition is disposed of by directing the respondents to consider the aforesaid Government Resolution dated 14.12.2022 and thereafter release the petitioner's pensionary benefits in accordance with law. Needless to state that if the grievance of the petitioner thereafter survives, he is free to take appropriate steps in that regard.

The writ petition stands disposed of. No costs.

(MRS. VRUSHALI V. JOSHI, J.)

(A.S.CHANDURKAR, J.)

Andurkar..