



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

921 WRIT PETITION NO. 5355 OF 2022

BAPU MADHAV KOTHAWADE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. P.M. Nagargoje, Advocate for petitioner
Mr. P.S. Patil, AGP for respondent Nos.1 and 3
Mr. Avinash Deshmukh, Advocate for respondent No.4

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CORAM : SMT. VIBHA KANKANWADI &
S.G. CHAPALGAONKAR, JJ.

DATE : 02nd FEBRUARY, 2024

ORDER :

1 It appears that Civil Application No.862 of 2024 by the legal representatives of the original petitioner was allowed, which was in pursuant to the death of the original petitioner. However, it appears that the amendment to that effect was not carried out. Learned Advocate for the petitioner after tendering apology submits that he would carry out the amendment forthwith. He is allowed.

2 Present petition was filed for following relief :

“B) By issuing Writ of mandamus or any other appropriate writ like in nature under Article 226 of the Constitution of India, this Hon’ble Court may kindly be please to direct the respondent No.2 Accountant

General Maharashtra-II Nagpur to release amount of Gratuity along with interest thereon payable to the petitioner in view of sanction of provisional pension to the petitioner.”

Respondent No.2 filed affidavit-in-reply stating that in view of the Departmental as well as Judicial proceedings against the original petitioner they had not released the amount of gratuity.

3 In view of the fact that now, the original petitioner i.e. the government servant has expired, respondent No.4 will have to take into account the said fact and re-submit the proposal. Learned Advocate for respondent No.4 makes a statement, on instructions, that after taking the fact on record the proposal would be submitted within four weeks. The statement is taken as undertaking.

4 The petitioner should supply all the necessary documents within one week to respondent No.4 and respondent No.4 to forward the proposal within four weeks thereafter to respondent No.3, who should further forward it to the competent authority within a period of two weeks thereafter. In view of this detailed directions the writ petition stands disposed of.

(S.G. CHAPALGAONKAR, J.)

(SMT. VIBHA KANKANWADI, J.)

agd