



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4264 OF 2024

Kautikrao s/o Motiram Sapkal
age 70 years, occ. Retired
r/o at Post Jalgaon (Sapkal)
Tq. Bhokardan, Dist. Jalna.

.. Petitioner

versus

1. Chief Executive Officer
Zilla Parishad, Jalna

2. Scheduled Tribes Certificate
Scrutiny Committee, Aurangabad
Division, Dist. Aurangabad.

.. Respondents

Mr. M. B. Jain, Advocate for the Petitioner.
Mr. P. P. Dama, Advocate for Respondent No. 1.
Mr. S. R. Yadav Lonikar, Advocate for Respondent No. 2.

**CORAM : RAVINDRA V. GHUGE AND
R. M. JOSHI, JJ.**

DATE : 25th APRIL, 2024.

ORAL JUDGMENT : (Per Ravindra V. Ghuge, J.)

1. Rule. Rule made returnable forthwith and heard finally
by the consent of the parties.

2. The Petitioner is a 70 years old retired employee who has
put forth Prayer Clauses B and C, as under :-

B) Be pleased to issue appropriate Writ and be pleased to pass necessary orders in the nature of Writ; to grant the pension and pending gratuity amount alongwith interest to the petitioner.

C) Be pleased to issue Necessary Direction or appropriate Writ and be pleased to pass necessary order in the nature of writ; to continue the Provisional pension as well as no coercive steps should be taken against the petitioner till the disposal of this Writ Petition.

3. In Writ Petition No. 4931/2022, the present Petitioner was before us seeking a direction that his pending claim of belonging to 'Koli Malhar' Scheduled Tribe, be decided. The request for regular pension and gratuity was also put forth. While disposing off the Petition vide order dated 04.01.2023, this Court has recorded in Paragraph No. 6 as under :-

6. So far as the regular pension is concerned, we are issuing the following directions :

a) The petitioner shall upload his entire proposal, as required by the Committee, in view of the letter dated 24.3.2022, served upon him, on or before 31.01.2023. Thereafter, the petitioner would pursue the proposal for validation of his claim.

b) The Committee shall decide the proposal of the petitioner on or before 30.11.2023.

c) The petitioner shall render wholehearted cooperation and shall refrain from seeking adjournments.

d) The provisional pension which is already being paid to the petitioner, pursuant to the order dated 20.12.2021, would be continued to be paid.

e) Needless to state, if his claim is validated, he would be entitled for full pension alongwith arrears in view of the provisional pension being paid to him.

4. The learned AGP relies upon the record and proceedings of the Petitioner's Tribe Claim proceedings and submits that the copy of the Vigilance Cell Report was served on the Petitioner, on 28.11.2023. The date of hearing was posted on 14.12.2023. The Petitioner was absent. The date was rescheduled to 20.03.2024. Again the Petitioner was absent. Now, the date is scheduled on 29.04.2024. If the Petitioner tenders his written reply as well as written notes of submissions, the Committee would decide his claim by 15.06.2024.

5. The Petitioner is yet to be paid Rs. 90,000/-, towards gratuity. As such, we direct the Zilla Parishad to ensure that the gratuity amount to the extent of Rs. 90,000/-, along with statutory interest as is admissible under the provisions of Payment of Gratuity Act, 1972, shall be paid to the Petitioner on or before 31.05.2024. There would be no request for extension of time.

6. Insofar as the pending claim is concerned, as the Committee is agreeable to decide the claim by 15.06.2024, if the Petitioner tenders a written reply and the written notes, we direct the Petitioner to ensure that the written reply and written notes are tendered to the Committee by 03.05.2024. The Petitioner will appear on 29.04.2024, before the Committee and if it is not possible to tender the written reply, such written reply and written notes shall be tendered latest on 03.05.2024. Thereafter, the Committee shall decide the claim by 15.06.2024.

7. We make it clear, considering the earlier conduct of the Petitioner, that if the Petitioner does not cooperate, no further orders on regular pension would be passed and until then, the Petitioner would be entitled for provisional pension.

8. In view of the above directions, **the Writ Petition is disposed off**, in the above terms. Rule is discharged.

(R. M. JOSHI)
JUDGE

(RAVINDRA V. GHUGE)
JUDGE

dyb