



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

6 WRIT PETITION NO. 6755 OF 2023

NANDULAL KHANDU THAKUR

....Petitioner

VERSUS

STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND OTHERS

.....Respondents

.....

Mr. R. K. Mendadkar a/w Mr. Sagar S. Phatale and Ms. Komal Gaikwad,
Advocates for the Petitioner

Mr. P. K. Lakhotiya, AGP for the Respondents 1 and 2 -State

Mr. V. M. Vibhute, Advocate for Respondent No.3.

CORAM : RAVINDRA V. GHUGE &
Y. G. KHOBRAGADE, JJ.

DATE : 12th February, 2024

ORDER:

1. Having heard this matter for quite some time and having perused the additional affidavit filed by the Petitioner, the learned Advocate Shri Mendadkar submits that the Petitioner must be given an opportunity to examine/cross examine Himmatrao Dashrath Thakur and Renukabai Dhanraj Deore. The learned AGP submits that the Petitioner should also cross/examine Ashok Pundlik Thakur and Milind Wanraj Thakur, considering several old entries which indicate 'Bhat'. The Petitioner is agreeable.

2. As such, only to facilitate an opportunity of examining/cross examining the above stated four persons, that **this Petition is partly allowed.**

3. The impugned order dated 31.05.2023 is quashed and set aside with the following directions:

- (a) Respondent No.3-Employer would forward the proposal of the Petitioner for provisional pension, expeditiously.
- (b) The provisional pension shall be initially paid for a period of six months. Thereafter, the leave of the Court shall be sought for continuing the same, if the proceedings before the Committee are still not concluded.
- (c) The Petitioner would appear before the Respondent Committee on 04.03.2024 at 11.00 a.m.
- (d) The Committee shall keep the four persons present as per their availability and the Petitioner shall confront the said persons with regards to their roles as are discussed in the impugned order, which we have quashed and set aside.
- (e) Let such exercise be completed up to 31st of March, 2024.
- (f) Within 30 days thereafter, the Petitioner will be at liberty to tender written notes of submission to the Committee.
- (g) The Committee shall decide the Claim of the petitioner on or before 30th June, 2024.

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)