



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

954 WRIT PETITION NO. 167 OF 2024

AJITKUMAR MOTILAL KASLIWAL
VERSUS
CENTRAL BANK OF INDIA THROUGH ITS REGIONAL MANAGER

...
Advocate for the Petitioner : Mr. Khonde Uday V

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CORAM : RAVINDRA V. GHUGE &
Y.G. KHOBRAGADE, JJ.
DATE : 9th January, 2024

PC. :-

1. The Petitioner was dismissed from service by the Respondent-Bank on the ground of misappropriation. He preferred Reference (IDA) No.12/2016 before the Labour Court for challenging his dismissal. By the award of the Labour Court, the dismissal was upheld. He preferred Writ Petition No.6269/2022 which was dismissed with the following observation:

“18. So far as issue of nonpayment of gratuity and pension is concerned, the same was not subject matter of dispute before the Labour Court and the petitioner shall have liberty to adopt such remedies in that regard as maybe available to him in law.”

2. The Petitioner seeks compassionate pension.

3. It is well settled that compassionate pension is permissible provided the rules permit and only if the reason for termination of service of an employee is not based on a grave and serious misconduct. In the instant case, the Petitioner has been dismissed for a proved grave and serious misconduct. Challenge to the dismissal has been negated by the Labour Court as well as by the High Court. In such circumstances and more specifically in the light of the charge of misappropriation in a Bank having been proved, we would not be justified in showing misplaced sympathy to the Petitioner. **This petition is therefore dismissed.**

4. In so far as the grievance as regards forfeiture of gratuity is concerned, in the light of the reproduced observations of the learned Single Judge hereinabove, the Petitioner is at liberty to seek redressal, subject to the provisions of the law applicable.

[Y.G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]