



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 11963 OF 2023
IN WP/9310/2022**

**KRISHNA GULAB JADHAV
VERSUS
THE STATE OF MAHARASHTRA**

....

Mr. Y. B. Bolkar, Advocate for Applicant

Mr. P. K. Lakhotiya, AGP for Respondent – State

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**CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.**

DATE : 19.01.2024

PER COURT :-

1. Heard the learned Advocates for the respective sides.
Even if it is presumed that the original Applicant before the learned Tribunal is guilty of a misconduct, notwithstanding that the charge-sheet was served upon him on the last day of his service, he would, at the most, be liable to stoppage of 6% of the monthly pension for a period of one year. It is conceded that beyond this percentage with regard to the proposed punishment, the Petitioner would not be liable for any other punishment.

2. In view of the above and to balance the equities, we direct the Petitioner State to release the gratuity amount in its entirety and by retaining the amount equivalent to 6% of the monthly pension for one year, the rest of the pension should be released along with arrears.

3. Let these two directions be complied with within a period of 45 days. Needless to state, the withholding of the 6% of the monthly pension for one year, would be subject to the decision in this Writ Petition.

4. With the above directions, the **Civil Application is disposed off.**

[Y. G. KHOBRAGADE, J.]

[RAVINDRA V. GHUGE, J.]

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