



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

925 CIVIL APPLICATION NO. 12431 OF 2023
IN WP/8799/2012

MUSTAFA KHAN FAZAL MOHAMMAD KHAN
VERSUS
THE STATE OF MAHARASHTRA THR ITS PRINCIPAL
SECRETARY AND OTHERS

...
Shri R.S. Deshmukh, Senior Advocate a/w Shri Shriram
Deshmukh i/by Shri Devang R. Deshmukh, Advocates for the
Applicant.
Shri R.S. Wani, AGP for Respondents 1 and 2.
...

CORAM : RAVINDRA V. GHUGE
&
R.M. JOSHI, JJ.

DATE :- 01st March, 2024

Per Court :-

1. Considering the order passed in the Writ Petition
and the issue of calculating the dues of the Petitioner, we had
passed the following order on 12.01.2024:-

- “1. We have perused the order dated 27.04.2018
passed by this Court in Civil Application
No.1673/2018 in Writ Petition No.8799/2012.
2. This Court recorded in it's order dated
27.04.2018 that the Petitioner is litigating for a
long time and is yet to receive his post retiral
benefits. Therefore, the Waqf Board was
directed to deposit Rs.5 lacs with the Registry
of this Court and the Petitioner was permitted
to withdraw Rs.2.5 lacs.

3. *Subsequently, the Petitioner has succeeded in Writ Petition No.8799/2012 by virtue of the final order dated 22.06.2023. By virtue of the said order, the claim of the Petitioner that he should be continued till 60 years of age is accepted and he is granted all monetary benefits, so also, continuity in service upto 60 years.*
4. *As such, the Petitioner needs to inform this Court as to whether, he has received all retiral monetary benefits and if those benefits have been extended to him, the amount of Rs.2.5 lacs will have to be returned to the Waqf Board as the Petitioner has received all retiral benefits. Needless to state, the amount of Rs.2.5 lacs received earlier, will have to be adjusted against the retiral benefits.*
5. *Let the Petitioner place before the Court, the data pertaining to the total retiral monetary benefits received by him from the employer along with a short affidavit. Let such affidavit alongwith information, be filed on or before 31.01.2024.*
6. *List this Civil Application on 02.02.2024 in the urgent orders category.”*

2. The learned Advocate representing Respondent No. 3 has filed an affidavit in reply and the said Respondent makes a statement in paragraphs 4 and 5 that the Petitioner/ Applicant is entitled for withdrawal of Rs.2,50,000/- (Two Lakh Fifty Thousand) from this Court and the Civil Application be allowed.

3. In view of the above, **the Civil Application is allowed** in terms of prayer Clause B which reads as under:-

“B) Allow the applicant to withdraw the remaining amount of Rs.2,50,000/- (Rs. Two Lac Fifty Thousand only) with accrued interest thereon, out of the total amount of Rs.5,00,000/- (Rs. Five Lac only) deposited with the Registry of this Court by non-applicant no.3, in pursuant to the order dated 27.04.2018, passed by this Hon’ble High Court in Writ Petition No.8799 of 2012.”

4. The Applicant/ Petitioner shall withdraw the said amount under proper identification by the learned Advocate alongwith a copy of the Adhar Card and latest address proof.

kps (R.M. JOSHI, J.)

(RAVINDRA V. GHUGE, J.)