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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

INTERIM APPLICATION NO.782 OF 2024

IN

WRIT PETITION NO.4459 OF 2009

Manvel David Fernandes

.. Applicant/Petitioner

Versus

The Collector, Kolhapur & Anr.

.. Respondents

Mr.Vikrant A. Desai for the applicant/petitioner.

Mr.B.V. Samant, Addl.G.P. a/w Smt.T.N. Bhatia, AGP for the respondent
nos.1 & 2-State.

***CORAM : A.S. CHANDURKAR &
JITENDRA JAIN, JJ.***

DATE : 5th April 2024

P.C.:-

. By this application, the applicant prays that during the pendency of the present proceedings, the applicant be granted the benefits of the provisional pension as has been done in case of similarly situated employees.

2. About 10 employees had approached the Maharashtra Administrative Tribunal seeking to raise a challenge to the notice of termination as issued. The Tribunal in its common judgment dated 30th March 2009 dismissed the Original Applications. This judgment is the subject matter of the challenge in the writ petition.

3. While issuing Rule in the writ petition, on 31st July 2009, interim relief in terms of prayer clause (c) staying the effect of operation

of the notice of removal came to be granted. As a consequence, the petitioner continues to be in service.

4. It is submitted that in other connected matters, a direction has been issued to release provisional pension in accordance with law subject to final outcome of the writ petition.

5. Considering the order as passed in Writ Petition No.4683 of 2009 (Shankar Narayan Sandbhor Vs. The State of Maharashtra & Anr.) dated 13th August 2013, it is directed that during the pendency of the present proceedings, the respondents shall release the provisional pension in favour of the applicant in accordance with Rules within a period of twelve weeks from today. Payment of provisional pension would be subject to the final outcome of this writ petition.

6. The Interim Application is allowed in aforesaid terms.

JITENDRA JAIN, J.

A.S. CHANDURKAR, J.