

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.14881 OF 2024

Satara Zilla Parishad, Satara through
the Chief Executive Officer.

...Petitioner

V/s.

Rajendrakumar Bharatsingh Pardeshi

...Respondent

Mr. Ravi Kadam, AGP for the Petitioner.

CORAM : SANDEEP V. MARNE, J.

Dated : 25 October 2024.

P.C. :

1. Heard Mr. Kadam, the learned AGP appearing for the Petitioner- Satara Zilla Parishad. It appears that learned Member of the Industrial Court has interdicted the disciplinary enquiry initiated against the Respondent-employee after his retirement on the ground that same pertains to an incident, which had occurred four years prior to the date of issuance of charge-sheet dated 5 February 2024.

2. Prima facie, I do not find any reason to interfere in the interim direction issued by the learned Member to stay the departmental enquiry. However, the learned Member has directed release of all pensionary benefits including gratuity of Respondent - employee. This prima facie appears to be contrary to the position in the rules. A retired employee against whom disciplinary enquiry is

initiated is entitled to receive only provisional pension and employer is entitled to withheld his gratuity. Observations made in paragraph 22 of the order would indicate that Respondent employee is being paid provisional pension during pendency of disciplinary enquiry. In that view of the matter, direction for release of regular pension and gratuity during pendency of departmental enquiry appears to be erroneous. To this limited extent, the present Petition is being entertained by issuing notice to the Respondent, returnable on **26 November 2024**. In addition to court notice, Petitioner shall serve Respondent by private service and file affidavit of service.

3. Till the next date of hearing the directions of the Industrial Court for release of pensionary benefits and gratuity shall remain stayed.

4. It is made clear that pendency of the present Petition shall not come in the way of the Industrial Court deciding the Complaint finally. It appears that Industrial Court has expedited final decision of the Complaint and it is proposing to decide the same within a period of three months. Accordingly, the Industrial Court shall proceed to decide the Complaint finally notwithstanding pendency of the present Petition.

[SANDEEP V. MARNE, J.]