

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

WRIT PETITION NO. 17311 OF 2024

Prakash Tukaram Jagtap. ... Petitioner
Versus
Govt. of Maharashtra & Ors. ... Respondents.

Mr. Bhushan Deshmukh, a/w. Mr. Shashank Patave, for the Petitioner.

Mr. B.V. Samant, Addl. GP a/w Mr. S.H. Kankal, AGP for
Respondent/State.

**CORAM : RAVINDRA V. GHUGE AND
ASHWIN D. BHOBE, JJ.**

DATE : 4th DECEMBER, 2024

P.C. :

1. Though the Petition paper book runs into 214 pages, we are disposing off the Petition by consent of the parties on a short issue.

2. Suffice it to say that the Petitioner has already been punished for a misconduct which is proved in a departmental enquiry vide order dated 29th December, 2023. Copy of the same is tendered across the bar and the same is marked as 'X' for identification. By the said order of punishment, the Petitioner is punished with deduction of pension up to 25%, on permanent basis. His appeal proceedings are said

to be pending.

3. Having heard the learned Advocate for the Petitioner and the learned AGP, it is apparent from the record that even if the punishment awarded to the Petitioner is sustained, he would be liable to suffer deduction of 25% of the pension amount, permanently. The learned AGP is under instructions to say that beyond this punishment, no other order of punishment is passed by the establishment.

4. In view of the above, there is no embargo on the gratuity, meaning thereby that an order of forfeiture of gratuity is not yet passed, which is evident from a proposal forwarded under the signature of Naina Raja, Accountant General and A & E 1, Maharashtra, Mumbai dated 10/06/2024. The said pension payment order is at page 214 in the Petition paper book. The gratuity amount is computed at Rs. 6,08,160/- which would have been payable to the Petitioner after 30 days of his superannuation.

5. In view of the above, **this Writ Petition is disposed off** with the following directions :

(a) The Petitioner is agreeable to receive 75% of the pension keeping

in view the pendency of his appeal challenging the deduction of 25% and hence, 75% of his pension be released.

(b) If there is no legal impediment, the amount of gratuity quantified at Rs. 6,08160/- be released. The interest component which is now 12% as per the Government Notification dated 5th October, 1999 issued by Government of India, Ministry of Personnel, Department of Pension & Pensioners' Welfare, New Delhi be computed and be paid to the Petitioner.

(c) The gratuity amount be released within 30 days and the interest component be calculated and be paid within 75 days from today.

(d) All contentions of litigating parties as regards the order of punishment passed by the authorities which is the subject matter of pending litigation, are kept open.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)

ARUNA
SANDEEP
TALWALKAR

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by ARUNA
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