



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.4018 of 2022

Smt. Nadera Sultana W/o Mohammad Jawed Versus Alhuda Social Welfare Society, Malkapur,
through its Secretayr, Malkapur and others

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri P.S. Raut, Counsel for Petitioner.

Shri P.S. Patil, Counsel for Respondent Nos.1 and 2.

Shri M.K. Pathan, Assistant Government Pleader for Respondent Nos.3 to 7.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : 18th MARCH, 2024

P C.:

1. After having heard the learned counsel for the parties, the only impediment in granting prayer of the petitioner thereby permitting release of gratuity is the pendency of the proceedings in relation to the services of the petitioner before the learned Single Judge in Writ Petition No.6780 of 2015. We are informed that in the said Writ Petition, the conditional order was passed which led to reinstatement of the petitioner.

2. After superannuation, the petitioner is claiming to be entitled to not only the pension but also the gratuity which is informed to be paid under Clause (c) of sub-rule (1) of Rule 130 of the Maharashtra Civil Service (Pension) Rules, 1982 ('the Rules of 1982').

3. As the petitioner is receiving the provisional pension, we deem it appropriate to allow the present petition thereby directing the gratuity to be released in favour of the petitioner subject to outcome of Writ Petition No.6780 of 2015.

4. In case if it is held that the petitioner is disqualified under Rule 130 of the Rules of 1982 for receiving the gratuity, the said amount can be adjusted to such

dues which are receivable by the petitioner in due course or the petitioner shall re-deposit the said amount as shall be directed by Writ Court in Writ Petition No.6780 of 2015 with interest as shall be levied by the said Court.

5. The petition stands allowed accordingly.
6. The amount of gratuity be released in favour of the petitioner within a period of three months from today.
7. A copy of this order be placed on the record of Writ Petition No.6780 of 2015.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)