



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

WRIT PETITION NO. 4167/2019

Dr. Dilip S/o Sheshrao Jane Vs. Shivaji Education Society & Ors.

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Mr. V.A. Kothale, Advocate for petitioner
Mr. K.P. Mahalle, Advocate for Respondent Nos.1 and 2
Mr. Abhijeet Deshpande, Advocate for Respondent No.3

CORAM: BHARAT P. DESHPANDE, J.

DATED : 11th MARCH, 2024

Heard learned counsel for the petitioner and learned counsels for the respondents.

2. The main challenge in the present petition is the order dated 21/02/2019, issued by the Maharashtra University of Health Sciences, Nashik.

3. The learned counsel for the petitioner would submit that this order is now become inoperative since the petitioner retired on superannuation and hence, there is no question of conducting any disciplinary enquiry as proposed in it.

4. The learned counsel for the petitioner would submit that the petitioner is entitled for gratuity and other dues, however, the same are not paid as per his entitlement. Apart from the said dues, it is the contention of the petitioner that he is entitled for other dues from the respondents.

4. The learned counsel for the respondent Nos.1 and 2 would submit that there is a dispute with regard to relieving of the petitioner from service as well as entitlement of the petitioner with regard to gratuity amount.

5. Since the petitioner claimed that he has already superannuated and the order dated 26/04/2019 becomes inoperative, the petition could be disposed of by allowing the petitioner to file his representation to the respondent Nos.1 and 2 for the purpose of considering his claim on gratuity amount and other entitlements in terms of money connected to his service. If such representation is filed within a period of 15 days, the respondent Nos.1 and 2 shall decide it in accordance with law within a period of two months. If the petitioner wants to file some submissions, he may be allowed to do so.

6. Needless to mention that the respondent Nos.1 and 2 shall adhere to the principles of natural justice and fair play while deciding such representation. The respondent Nos.1 and 2 shall communicate such decision to the petitioner within the said period of two months.

7. The petition could be disposed of in above terms. No costs.

(BHARAT P. DESHPANDE, J.)