



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1986 OF 2025

Baddroddin Fakoriddin Kazi

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

- Mr. H. V. Patil h/f Mr. Rajendra D. Sanap, for Petitioner.
- Ms. Neha B. Kamble, AGP for Respondent – State.

CORAM : MANISH PITALE AND
Y. G. KHOBRAGADE, JJ.

DATE : 25th AUGUST 2025.

P. C. :

1. Heard learned counsel for the petitioner and the learned AGP for the respondents.

2. The grievance of the petitioner in this petition is that upon his retirement from the post of Driver in the Minor Irrigation Department at Beed, he was only paid pension and that his Death cum Retirement Gratuity was not paid.

3. Upon notice being issued, the respondent No.3 has filed reply affidavit. The relevant paragraphs of the said affidavit, read as follows :

“4. I say and submit that, the petitioner is retired from service due to superannuation on 30.11.1992 and

petitioner has been given retiral benefits. At the time retirement, the petitioner was having pay-scale of Rs. 1525/-. The gratuity amount is paid to the petitioner as per the Civil Services (Pension) Rules. As the petitioner has completed 26 years 10 months and 18 days services and his last pay-scale was of Rs. 1525/- X 53 months / 4 = 20207/- deduction of Rs. 1000/- was made and as such he was initially paid the amount of Rs. 19587/-. The amount is calculated as per the clause no. 111 (1) (a) (b) and 2 of the Maharashtra Civil Services (Pension). The copy of the relevant page of Rules is annexed herewith and marked as EXHIBIT "R-1".

5. *I say and submit that, after retirement of petitioner, the deponent office vide order dated 05.01.1993 no. 308 had paid temporary gratuity amount of Rs. 19587/- as per section 126 of the Maharashtra Civil Services (Pension) Rules, 1982. I say and submit that, thereafter finally the Accountant General, Nagpur has given remaining amount of Rs. 624/- to the petitioner. The copies of order dated 05.01.1993 giving gratuity amount of Rs. 19587/- and copies of relevant pages of service book of petitioner are annexed herewith and marked as EXHIBIT "R-2".*

4. The documents filed on record with the reply clearly show that the afore-mentioned amounts stated in the above quoted

paragraph were disbursed in favour of the petitioner, yet, the petitioner has approached this Court on the assertion that amount towards gratuity was not paid. Evidently, the statement made in the petition is not correct.

5. In any case, we are satisfied that the aforesaid amount was paid to the petitioner.

6. Hence, the writ petition is dismissed. Pending applications, if any, also stand disposed of.

(Y. G. KHOBRADE, J.)

(MANISH PITALE, J.)