



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10021 OF 2025

The Bharat Sanchar Nigam Ltd.,
Through its Chairman and M. D. & Others .. Petitioners
Versus
Sunil Baliram Suryawanshi .. Respondent

...
Shyam C. Arora, Advocate for the Petitioner.

...
CORAM : SHREE CHANDRASHEKHAR, CJ &
RAVINDRA V. GHUGE, J.

DATE : 17th OCTOBER, 2025.

P.C. :

Laying challenge to a decision pronounced on 19th June, 2025 by Central Administrative Tribunal, Mumbai Bench in Original Application No. 218/2022, the Bharat Sanchar Nigam Limited (hereinafter referred to as “BSNL”) has preferred this writ petition.

2. Before the Tribunal, the applicant (hereinafter referred to as “respondent”) raised a grievance against withholding of his pensionary benefits for the reason that a condition was incorporated in the order dated 31st January, 2020, that the respondent has failed to make online application for caste certificate verification / validation.

3. The learned advocate for the BSNL has raised two fold submissions viz., (i) order dated 19th June, 2025 is without jurisdiction and (ii) condition under the final retirement order dated 31st January, 2020 was not put to challenge before the Tribunal.

4. The Tribunal recorded finding that, the pensionary benefits of

the respondent could not have been withheld without any departmental proceeding against him. On this issue, we are inclined to observe that, the pensionary benefits of a government employee cannot be withheld even where a departmental proceeding is pending against him, provided there is a rule framed by the employer (Refer "*State of Jharkhand and Others V. Jitendra Kumar Srivastava and Another*" (2013) 12 SCC 210). The Petitioner BSNL seems not to have framed any such rule for withholding pensionary benefit of its employee pending a departmental or judicial proceeding against him.

5. Under the pension rules, satisfactory service rendered by a government employee is a condition precedent to grant pension to him. The pensionary benefits accrued to a government employee after rendering several years of meritorious service cannot be withheld or forfeited without there being a finding of misconduct recorded in a disciplinary proceeding or a judicial proceeding against him. The Respondent, who was absorbed in service under the BSNL in the year 2001, rendered his service as a telephone technician till 31st January, 2020 and benefits under the voluntary retirement scheme were granted to him vide order dated 31st January, 2020.

6. Putting a condition under final retirement order dated 31st January, 2020 to the effect that the retirement benefits of the Respondent employee shall remain withheld till the verification of his caste certificate is complete, seems to be an unauthorized and illegal condition. This was not shown to the Tribunal that rule was framed by the employer BSNL to withhold pensionary benefits of its employee till verification of the caste certificate. If this is the case set up by the BSNL that the verification of the caste certificate by caste

scrutiny committee was not complete even after 20 years of service, but he was continued in service, an inference must be drawn in law that the employer has accepted the caste certificate produced by the respondent.

7. As regards question of jurisdiction of the Tribunal constituting a Single Judge to entertain Original Application is concerned, we may observe that this is just a technical objection and in fact does not arise in the facts of the case. Under Article 226 of the Constitution of India, High Court exercises its jurisdiction in furtherance of justice, equality and good conscience. This is in furtherance of Principles of Justice and Equality that this Writ Petition is not entertained on such technical breach. This is a well settled principle in law that, writ Court shall not entertain a petition where illegalities have been perpetuated by entertaining such petition. Pension and pensionary benefits of a government employee are not bounty to them, rather are gratuitous rewards for meritorious service rendered by government employee. In “*Dr. Hiralal V. State of Bihar and Others*” (2020) 4 SCC 346 Hon’ble Supreme Court observed that the pension and pensionary benefits are akin to the right provided under Article 300A of the Constitution of India and that cannot be forfeited or withheld without due process in law.

8. Writ Petition No. 10021 of 2025 is dismissed.

[RAVINDRA V. GHUGE, J.]

[CHIEF JUSTICE]

drp