



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO.9283 OF 2025 IN
WRIT PETITION NO.9040 OF 2022**

Dr. Shantaram s/o Tarachand Sonwane ... APPLICANT

VERSUS

The State of Maharashtra & ors. ... RESPONDENTS

.....
Mr. S.R. Barlinge, Advocate for applicant
Mr. P.S. Patil, P, A.G.P. for State
.....

**CORAM : R.G. AVACHAT AND
ABASAHEB D. SHINDE, JJ.**

DATE : 23rd SEPTEMBER, 2025

ORDER :

Heard. The applicant/ petitioner has superannuated on the post of Principal of Senior College. The respondent management has initiated departmental enquiry against him. The petitioner has approached this Court taking exception to the initiation of the departmental enquiry. This Court has granted ad-interim relief in the nature of stay of the proposed departmental enquiry. This Court thereafter directed the management to submit the pension case of the petitioner for

grant of provisional pension. Accordingly, the management submitted the proposal and the petitioner is getting 90% of the pension which he would have received, but for this Court's order. Now the petitioner has come with the present Civil Application, seeking direction for release of the retiral benefits in the nature of the gratuity and other amounts payable to him. During the hearing, it is realized that, the respondent management has no reservation to release the retiral benefits in the nature of the gratuity and other amounts payable to the petitioner. It is informed that, the petitioner is to undergo a by-pass surgery.

2. The learned A.G.P. has reservations to allow the application granting the entire amount of gratuity to be paid to the petitioner at this stage. According to him, if the Writ Petition fails and during the departmental enquiry if the petitioner is held guilty of the misconduct, a huge amount would be recoverable from him. There would be nothing to be recovered from the petitioner if the entire amount of gratuity is paid to the petitioner.

3. The learned Advocate for the applicant/ petitioner

thereafter comes around to leave it to the Court to grant the petitioner some portion of the gratuity amount payable to him. In the fitness of things, we direct the respondent management to submit the proposal for release of 50% of the gratuity amount payable to the petitioner. The Joint Director, Higher Education (respondent No.2) shall approve the said proposal without any demur within a time-frame of one month from the date of receipt of such proposal. Needless to mention, the incumbent Principal shall forward such proposal to the Joint Director, Higher Education within a period of one month from today. The petitioner shall give an undertaking that in case any amount is to be recovered from him, he would make the same good.

4. Civil Application stands disposed of.

5. List the Writ Petition on 6th November 2025 for admission.

(ABASAHEB D. SHINDE, J.)

(R.G. AVACHAT, J.)

FMPathan/-