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

920 WRIT PETITION NO. 1305 OF 2025

VASANT PRATAP BAVISKAR

VERSUS

1. THE STATE OF MAHARASHTRA THROUGH THE SECRETARY,
TRIBAL DEVELOPMENT DEPARTMENT
2. THE SCHEDULED TRIBE CERTIFICATE SCRUTINY COMMITTEE,
DHULE
3. THE DIVISIONAL COMMISSIONER, CHH. SAMBHAJINAGAR
4. THE CHIEF EXECUTIVE OFFICER, ZILLA PARISHAD,
SAMBHAJINAGAR
5. THE EDUCATION OFFICER (PRIMARY), ZILLA PARISHAD, CHH.
SAMBHAJINAGAR

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Mr Balaji S. Shinde, Advocate for petitioner

Mr R. K. Ingole, A.G.P. for respondent Nos.1 to 3

Mr P. R. Nangare, Advocate for respondent Nos.4 & 5

CORAM : MANGESH S. PATIL

AND

PRAFULLA S. KHUBALKAR, JJ.

DATE : 28th January, 2025

PER COURT:

1. The learned advocate for the petitioner submits that the petitioner is awaiting pensionary benefits and stands superannuated but for want of certificate of validity, those are not being released.

2. The learned advocate for the petitioner submits that the petitioner would be satisfied if the respondent/scrutiny committee is directed to decide his proposal of the year 2013, as expeditiously as possible .

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3. The learned A.G.P., on instructions, submits that the respondent/scrutiny committee would decide the petitioner's proposal within a period of eight weeks.

4. The writ petition is disposed of directing the respondent/committee to decide the petitioner's proposal, as expeditiously as possible and in any case within a period of eight weeks.

5. As far as the pensionary benefits are concerned, it is the consistent view of this Court that the pensionary benefits are earned by an employee. In fact, gratuity and provident fund belong to an employee and cannot be withheld in any circumstances as per the law laid down by this Court in the matter of **Kamlabai Shaphadu Salve Vs. State of Maharashtra and others (Writ Petition No.4624/2021)**, dated 01/10/2021.

6. We, therefore, simultaneously direct respondent No.4 and 5 to undertake the exercise to finalize the pension papers of the petitioners, so that all the pensionary benefits including provident fund, gratuity and pension are disbursed to the petitioner, as expeditiously as possible and in any case within a period of eight

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weeks, without awaiting for the certificate of validity and irrespective of the decision of the scrutiny committee.

(PRAFULLA S. KHUBALKAR, J.) (MANGESH S. PATIL, J.)

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