

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8187 OF 2022

Bhanudas Dharma Kshirsagar] ... Petitioner

Versus

1. The State of Maharashtra]
Through the Secretary,]
Rural Development Department,]
Mantralaya, Bandhkam Vibhag-25,]
Marzban Path, Mumbai-01.]
2. Chief Executive Officer,]
Zilla Parishad, Solapur,]
District Solapur.] ... Respondents

Mr. Sharad T. Bhosale a/w. Mr. Saiprasad Patil for the Petitioner.
Mr. S.B. Kalel, A.G.P for the Respondent No.1-State.
Mr. Anand Kulkarni for the Respondent No.2.

Coram : M. S. Karnik &
Ajit B. Kadethankar, JJ.

Date : 10th November 2025.

P.C. :

1. Heard Mr. Bhosale, learned counsel for the Petitioner, Mr. Kalel, learned A.G.P for the Respondent No.1-State and Mr. Kulkarni, learned counsel for the Respondent No.2.

2. Mr. Kulkarni, learned counsel for the Respondent No.2 submits that 80% of the pensionary benefits have been paid to the Petitioner, however 20% of the amount of the pensionary benefits and gratuity is withheld on account of the pending criminal proceedings against the Petitioner.

3. We find that the Petitioner retired on 31st May 2014 and post the retirement of the Petitioner on 4th June 2014, F.I.R. came to be registered under Sections 406, 409 & 420 read with 34 of the Indian Penal Code. So far as the departmental inquiry is concerned, the Respondent No.2 has forwarded the proposal to the State Government on 19th January 2016 for initiation of the departmental inquiry against the Petitioner and 12 others. In the criminal proceedings, not even chargesheet has been filed. It is only on account of the pendency of the criminal case that the Petitioner's pension and gratuity has been withheld. We find that in the present facts and circumstances, the action on the part of the Respondent No.2 in withholding the part of the pensionary benefits and gratuity to be unwarranted and unsustainable in law. There is no provision pointed out by the learned counsel for the Respondent No.2, which permits the Respondent No.2 to withhold the pension and gratuity only on account of F.I.R. being filed, post the retirement of the Petitioner. No steps have been taken for initiating of the departmental inquiry.

4. In such view of the matter, present Petition deserves to be allowed and is, accordingly, allowed in terms of prayer clause (b).

5. The entire pensionary benefits due and payable along with gratuity should be paid to the Petitioner within a period of eight weeks from today. If the said amount is not paid, the same shall carry an interest @ 9% per annum till realization.

[Ajit B. Kadethankar, J.]

[M. S. Karnik, J.]

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