

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**WRIT PETITION NO. 7243 OF 2012**

Balkrishna Dnyandev Patil .. Petitioner  
Versus  
The Chief Executive Officer, Zilla .. Respondents  
Parishad, Satara and ors  
...

Mr.Kalpesh Patil for the petitioner.  
Dr.Uday Warunjikar, for respondent nos.1 to 3.

**CORAM: BHARATI DANGRE &**  
**ASHWIN D. BHOBE, JJ.**  
**DATED : 13<sup>th</sup> JANUARY, 2025**

**P.C:-**

1. The Petitioner Balkrishna Dnyandev Patil, instituted the present petition on 23/07/2012, seeking a primary relief of issuance of the direction to the CEO, Satara, Zilla Parishad, to take decision upon his representation appeal for release of his pensionary benefits and gratuity.

He also prayer for a writ of mandamus, to the respondents to release his salary as per the regular pay-scale till he attained the age of superannuation, as if he was never suspended including the release of his yearly increments, continuity of service, etc.

2. On 1/08/2013, the Writ Petition came to be admitted with a liberty being conferred on the petitioner to move this Court after the appeal filed by the State Government challenging his

acquittal is finally decided.

3. On the demise of the petitioner on 16/01/2022, as per Court order dated 4/05/2022, his widow has substituted him in the petition, for pursuing the reliefs prayed therein.

4. We have heard the learned counsel Mr. Kalpesh Patil, for the petitioner and the learned counsel Mr. Warunjikar, representing respondent nos.1 to 3.

The sequence of the events, reveal that the petitioner was recruited by Satara Zilla Parishad on 14/06/1971, and as he completed 36 years of unblemished service but he was wrongly implicated in an offence under Section 302 of IPC, which came to be registered on 26/11/1998, he being arraigned as accused no.4.

Pursuant to his arrest on occurrence of the said offence, he was placed under suspension by the Zilla Parishad, by an order dated 21/12/1998, with effect from 26/11/1998.

He was released on bail on 10/12/1998, which prompted the Zilla Parishad to reinstate him back in service on 15/12/1998.

It is the specific case of the petitioner that, pursuant to his reinstatement, he continued to render his services till 31/03/2007, when he attained the age of superannuation and his grievance remained, that despite his reinstatement, he was not paid the full salary, since the criminal trial against him was pending.

5. On 16/12/2002, Sessions Court Karad, in Sessions Case No.183 of 2000, acquitted him for the offence punishable under Sections 302, 323, 324, 506 r/w 34 of IPC.

During the pendency of the present writ petition, the appeal (Criminal Appeal No. 487 of 2003) filed by the State Government, is also dismissed on 17/09/2020, thereby, upholding the judgment and the finding of acquittal recorded by the learned Sessions Judge.

6. Since, the original petitioner demised on 16/01/2022, the petition being prosecuted by his widow, she seek several benefits premised on the following circumstances:-

- a) Release of regular salary in favour of her husband from the date of his reinstatement, till the date of his retirement.
- b) Since the petitioner was paid provisional pension, pursuant to his retirement, since he is acquitted of the charges levelled against him, he shall be held to be entitled for regular pension and the difference in the provisional pension and the pension shall be released within a stipulated period.
- c) The family pension shall be released in her favour from the date of the demise of her husband i.e. on 16/01/2022.
- d) The benefits of gratuity, commutation of pension and all other retiral benefits, which are due and payable to her husband shall be released in her favour.

7. Mr. Warunjikar, the counsel representing the Zilla Parishad, would submit that if the petitioner make an appropriate representation, the reliefs sought by the him would be considered by the Zilla Parishad and it is also the submission of Mr. Warunjikar, that the petition suffers from delay and laches, but this argument we must reject at the outset.

We have recorded the chronology and sequence of events to the above effect, to find that on 31/03/2007, the petitioner had retired, but he was paid only the provisional pension since the appeal filed by the State Government against the judgment of his acquittal by the Sessions Court was pending and this is what precisely this Court noted when the petition was admitted.

In any case, the petitioner, who was in the employment of Zilla Parishad, has demised on 16/01/2022, and thereafter, upon an application being moved before this Court, his widow was permitted to be brought on record, and therefore, according to us there is no delay, in she persuading the reliefs in the petition.

8. As far as the factual aspects are concerned, since it is not in dispute that the petitioner employee was acquitted of the charges levelled against him in the year 1998, by a judgment passed by a competent Court on 16/12/2002, and since the acquittal is now upheld by the decision of the High Court on 17/09/2020, and has attained finality and therefore, all the service benefits which are accruing to the petitioner/his widow are liable to be released. This would include, the differential payment for the provisional pension, which the petitioner employee was being paid since 31/03/2007, till his death and even his widow, on his demise is entitled for family pension.

9. Rejecting the objection of Mr. Warunjikar, about the delay and laches, We direct the respondents i.e. the Zilla Parishad, to release the regular salary in favour of Mr. Balkrishna Patil, from the date of his reinstatement till the date of his retirement.

Since the petitioner employee was paid provisional pension, pursuant to his retirement, and as he is acquitted of the charges levelled against him, he shall be held to be entitled for regular pension from the date of his retirement and the difference in the provisional pension and the regular pension shall be released by the respondents. Further, since the widow of Shri Balkrishna Patil is entitled for family pension, it shall be released in her favour from the date of the demise of her husband i.e. on 16/01/2022.

The benefits of gratuity, commutation of pension and all other retiral benefits, which are due and payable to her husband, shall be released in favour of the widow.

10. We direct the aforesaid payments to be released, within period of six months from today, but we expect that the family pension, which is not yet released in favour of the widow of the petitioner to be released within a period of two months from today.

With the aforesaid direction, the Writ Petition is disposed off.

**(ASHWIN D. BHOBE, J)**

**(BHARATI DANGRE, J)**