



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

WRIT PETITION NO. 6208 OF 2018

jay s/o Gangaiyya Gattu ..vs.. Joint Commissioner & Vice-Chairman, Scheduled Tribe Caste
Scrutiny Committee, Nagpur and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S.R. Narnaware, Counsel for the petitioner,
Mr. Alap Palshikar, AGP for respondent No.1,
Mrs. S.S. Jachak, Counsel for respondent Nos.2 and 3.

**CORAM : AVINASH G. GHAROTE &
ABHAY J. MANTRI, JJ.**

DATE : 10-02-2025

Heard.

2. The learned Counsel for the petitioner contends that the matter is covered by the judgment of this Court in *Hemant s/o Govindrao Langhe vs. Deputy Director, Health Services, Nagpur Circle* in *Writ Petition No.2904/2022*, decided on *25-08-2023*. It is, therefore, contended that the petitioner be granted retiral benefits.

3. The learned Counsel for the respondents does not dispute the proposition as laid down in *Hemant s/o Govindrao Langhe vs. Deputy Director* (supra). What is necessary to note is that the petitioner was appointed as a Meter Reader with respondent No.2 on 04-11-1996 in a seat reserved for the “*Halbi*” Scheduled Tribe. The petitioner superannuated on 30-09-2022. However, the tribe claim of the petitioner came to be invalidated only on 04-09-2018. The said order is challenged in this petition. By order dated 03.10.2018 status-quo was granted, and the same has been in force since then.

4. In *Hemant s/o Govindrao Langhe vs. Deputy Director* (supra), while considering a similar issue after considering the law on the point, it has been held that since there was no statutory adjudication while the petitioner was in service, his retiral benefits could not be withheld. Applying the same dictum, we hold that the petitioner would be entitled to his retiral benefits, as there is no statutory adjudication regarding the validity of his tribe claim during the tenure of his service.

5. The petition is accordingly disposed of in the above terms. The benefits be paid to the petitioner as early as possible to the extent permitted under the service rules governing the petitioner and, in any case, within a period of eight weeks from today.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)

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