



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

WRIT PETITION NO. 1763 OF 2025

Sayyed Rashid Sayyed Noor
Age : 59 years, Occu. : Retired,
R/o. : House No. 155, Chistiya Colony,
N-6,CIDCO, Aurangabad. ... Petitioner

VERSUS

Bharat Sanchar Nigam Limited (BSNL)
Through its General Manager
Sanchar Sadan, N-5, CIDCO,
Aurangabad. ... Respondent

**WITH
CIVIL APPLICATION NO. 8738 OF 2025
IN WP/1763/2025**

Sayyed Rashid Sayyed Noor
Age : 58 years, Occu. : Retired,
R/o. : House No. 155, Chistiya Colony,
N-6,CIDCO, Aurangabad. ... Applicant

VERSUS

Bharat Sanchar Nigam Limited (BSNL)
Through its General Manager
Sanchar Sadan, N-5, CIDCO,
Aurangabad. ... Respondent

**WITH
WRIT PETITION NO. 1858 OF 2025**

Rashid Sha Kabir Sha
Age : 59 years, Occu. : Retired,
R/o. : House No. 447, At Demani,
Post Shekta, Tq. & Dist. Aurangabad. ... Petitioner

VERSUS

Bharat Sanchar Nigam Limited (BSNL)
Through its General Manager
Sanchar Sadan, N-5, CIDCO,
Aurangabad.

... Respondent

WITH
CIVIL APPLICATION NO. 13883 OF 2025
IN WP/1858/2025

Rashid Sha Kabir Sha
Age : 59 years, Occu. : Retired,
R/o. : House No. 447, At Demani,
Post Shekta, Tq. & Dist. Aurangabad.

... Applicant

VERSUS

Bharat Sanchar Nigam Limited (BSNL)
Through its General Manager
Sanchar Sadan, N-5, CIDCO,
Aurangabad.

... Respondent

WITH
WRIT PETITION NO. 1859 OF 2025

Karim Shah Mehboob Shah
Age : 62 years, Occu. : Retired,
R/o. : Flat No. 5, Ekta Apartment,
Vidya Nagar, Satara Parisar,
Tq. & Dist. Aurangabad.

... Petitioner

VERSUS

Bharat Sanchar Nigam Limited (BSNL)
Through its General Manager
Sanchar Sadan, N-5, CIDCO,
Aurangabad.

... Respondent

WITH
CIVIL APPLICATION NO. 13882 OF 2025
IN WP/1859/2025

Karim Shah Mehboob Shah
Age : 62 years, Occu. : Retired,
R/o. : Flat No. 5, Ekta Apartment,
Vidya Nagar, Satara Parisar,
Tq. & Dist. Aurangabad.

... Applicant

VERSUS

Bharat Sanchar Nigam Limited (BSNL)
Through its General Manager
Sanchar Sadan, N-5, CIDCO,
Aurangabad.

... Respondent

Mr. V. D. Sapkal, Senior Advocate a/w Ms. Priyanka L. Kale & Mr.
Yash A. Jadhav i/b Mr. Majit Shaikh, Advocate for the
Petitioners/Applicants.
Mr. S. C. Arora, Advocate for Respondent.

**CORAM : KISHORE C. SANT AND
SUSHIL M. GHODESWAR, JJ.**

DATE : 09th FEBRUARY, 2026.

ORAL JUDGMENT (PER KISHORE C. SANT, J.) :-

1. Rule. Rule made returnable forthwith.
2. Heard the parties for long time.
3. All these petitioners are the persons who joined the respondent department in the year 1993 as Regular Mazdoor from open category. The services of the petitioners came to be confirmed as Telecom Mechanics. All the petitioners have applied to get certificate of the caste as Chhaparband (VJ). In the year

2002, the department passed an order thereby permanently absorbing the petitioners. Lateron, they were absorbed. At no point of time the petitioners ever claimed to be persons belonging to Scheduled Tribe. However, it is after getting the validity certificate as belonging to Chhaparband caste, they merely submitted the certificate in the department and requested to take note of their caste in the service record. The petitioners have applied for VRS scheme in 2020. While allowing their applications under VRS scheme it was allowed with clause No. 3 which reads as under :

“3. Against the above mentioned officials/employees, false/fake caste complaint is pending. As they have not applied on line as on date for their caste certificate verification, their retirement benefits are withheld till the verification is done. This is as per instructions vide letter No. 1-15/2019 PAT (BSNL) (pt) dated 22.01.2020, vide point no. 4, issued by BSNL CO. New Delhi.”

4. Till accepting the voluntary retirement there was no dispute. For the first time the department put the endorsement as per clause No. 3. In the year 2024, the department started an inquiry by issuing memorandum on 29.01.2024 under rule 61 (4) (2) (b) (ii) of Rules of 2006 stating that the petitioners have mislead the department and obtained the benefit as belonging to Scheduled

Tribe category. In the service record the entry was also taken showing the petitioners belonging to Scheduled Tribe category. Later on action is taken and pensionary benefits are withheld. All these petitioners have approached this Court by filing writ petitions which subsequently came to be transferred to the Central Administrative Department (C.A.T.) and given number as Transfer Application Nos. 2, 3 and 4 of 2024. The learned C.A.T. dismissed the applications by holding that, though the petitioners were belonging to Chhaparband community, they obtained benefits as belonging to Scheduled Tribe category. It is also observed that the petitioners obtained promotion on the basis of belonging to Scheduled Tribe category and rejected the applications. It is in this view the petitioners have approached this Court by filing these three petitions.

5. The learned senior advocate Mr. Sapkal for the petitioners vehemently argued that, the petitioners were appointed from open category. Only because they happened to be persons belonging to Chhaparband community, they obtained validity certificate as Chhaparband (VJ) category. Their applications made to department would show that they had only prayed that entry be

taken in the service record without mentioning anything further and be given any benefit. As a matter of fact, they have not derived any benefit as belonging to Scheduled Tribe or even V.J. category. Only request was made to take entry in their name of the caste in the service book. He further submits that, when no benefit was obtained as belonging to Scheduled Tribe category, there was no question of withholding pension on that count. The action is totally illegal. The observation of the learned Members of the C.A.T. that the petitioners received promotion is totally against the record. He thus submits that the petitions need to be allowed by setting aside the impugned judgment and order passed by the learned Members of the C.A.T.

6. The learned advocate Mr. Arora for the respondent vehemently opposes the petitions. He submits that, the caste was mentioned as Scheduled Tribe on the basis of certificate submitted by the petitioners. The entry was taken in the service book. The entry is counter signed by the petitioners. This would clearly indicate that the petitioners have deliberately claimed to be belonging to Scheduled Tribe category when in fact they were not.

He thus submits that, the learned members of C.A.T. have rightly observed that the petitioners have mislead the department and therefore, the action is held to be valid by the learned C.A.T. No interference is required in the present petitions.

7. The learned senior advocate for the petitioners relies upon the judgment in the case of **Bharat Sanchar Nigam Ltd., Through its Chairman and M.D. & Others Vs. Sunil Baliram Suryawanshi** in **Writ Petition No. 10021/2025**. In the said case, BSNL had challenged the order passed by the Central Administrative Tribunal (C.A.T.), Mumbai. In the said case, the pensionary benefits of the employee were withheld as he had failed to make online application for caste certificate verification. The employee, therefore, had approached the C.A.T. The C.A.T. allowed the original application holding that no action could have been taken without any departmental proceedings against the employee. The employee retired on 31.01.2020. His retiral benefits were withheld till the verification of caste certificate is completed. It is held that, such was unauthorized and illegal condition. No rule was pointed out framed by BSNL to withhold pensionary benefits

till verification of the caste certificate. It is against the said judgment by the C.A.T., the BSNL had approached the High Court. Paragraph No. 7 of the judgment of the High Court reads as under :

“7. As regards question of jurisdiction of the Tribunal constituting a Single Judge to entertain Original Application is concerned, we may observe that this is just a technical objection and in fact does not arise in the facts of the case. Under Article 226 of the Constitution of India, High Court exercises its jurisdiction in furtherance of justice, equality and good conscience. This is in furtherance of Principles of Justice and Equality that this Writ Petition is not entertained on such technical breach. This is a well settled principle in law that, writ Court shall not entertain a petition where illegalities have been perpetuated by entertaining such petition. Pension and pensionary benefits of a government employee are not bounty to them, rather are gratuitous rewards for meritorious service rendered by government employee. In *“Dr. Hiralal V. State of Bihar and Others”* (2020) 4 SCC 346 Hon’ble Supreme Court observed that the pension and pensionary benefits are akin to the right provided under Article 300A of the Constitution of India and that cannot be forfeited or withheld without due process in law.”

8. In the present case, this Court finds that, no inquiry is held, nor even proposed and the retiral benefits are withheld by condition No. 3.

9. The learned senior advocate for the petitioners also relies

upon the judgment in the case of **The Principal General Manager Bharat Sanchar Nigam Limited Vs. State of Maharashtra & Anr.** in **Writ Petition No. 800/2026.** This judgment is on the similar lines.

10. The learned senior advocate for the petitioners further relies upon the judgment in the case of **State of Jharkhand and others Vs. Jitendra Kumar Srivastava and another, (2013) 12 SCC 210.** In the said case it is held that, the Government can withhold the pension only when a finding is recorded either in departmental inquiry or in judicial proceedings that the employee had committed grave misconduct in discharge of his duty while in his office.

11. After hearing the parties, the only question is as to whether at any point of time the petitioners have represented to be persons belonging to Scheduled Tribe category. From the individual application it is seen that, the applications were simply stating that the applicants belong to Chhaparband caste without mentioning the category. There is nothing to indicate that at any point of time they misrepresented that, Chhaparband community comes under Scheduled Tribe category. They also never

demanding any benefit as belonging to any of the category even as VJ category. There is no material produced before this Court to show as to on what basis the learned members of C.A.T. have observed that, there were promotions given to the petitioners as belonging to Scheduled Tribe community. Earlier certificate shows that the petitioners belong to Scheduled Tribe category, however, there is no material produced even to show as to on what basis the said observation is made. Therefore, this Court finds that, the observation of the learned C.A.T. is without any material.

12. In the facts of present petition it is clearly seen that the petitioners have never represented themselves to be belonging to Scheduled Tribe category and claimed any benefit. As a matter of fact, after submission of the caste validity certificate, there is no promotion given to the petitioners at any point of time. No other benefit is shown to have been given to them. It is only in Writ Petition No. 1858/2025 it is shown that the petitioner was given promotion as belonging to Scheduled Tribe. However, nothing is shown that it is at the instance of the petitioner. The petitioner cannot be held responsible for the inadvertent mistake/clerical mistake committed by the department.

13. Thus, this Court finds that the impugned judgment and order passed by the learned Members of the C.A.T. deserves to be quashed and set aside.

14. The writ petitions stand allowed in terms of prayer clauses (A) and (B). The impugned judgment and order passed by the learned Members of the C.A.T. is quashed and set aside. The action of withholding the pension of the petitioners is quashed and set aside. The respondent is directed to pay all the retiral benefits to the petitioners with interest if admissible under the rules.

15. Needless to say that, the proceedings initiated against the petitioners are quashed.

16. Rule is made absolute in above terms. The petitions stand disposed off.

17. In view of disposal of writ petitions, nothing survives in the civil applications and the same are also disposed off.

(SUSHIL M. GHODESWAR, J.)

(KISHORE C. SANT, J.)

P.S.B.