

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

WRIT PETITION NO. 1857 OF 2020

Shoma Sen D/o Kanti Sen, through her Power of Attorney Holder – Tushar Kanti  
Bhattacharya Vs.  
State of Maharashtra and others

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Office Notes, Office Memoranda of Coram, appearances, Court's orders of directions  
or Judge's orders. Court's  
and Registrar's Orders.

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Mr. P.D. Meghe, Advocate for petitioner.  
Mrs. K.S. Joshi, AGP for respondent Nos.1 to 3.  
Mr. Arun Agrawal, Advocate for respondent No.4.

CORAM : R.K. DESHPANDE AND  
N.B. SURYAWANSHI, JJ.

DATED : AUGUST 13, 2020.

Hearing was conducted through video conferencing and the learned counsel agreed that the audio and visual quality was proper.

Prima facie we are not satisfied on the explanation furnished by respondents for withholding amount of gratuity and the contribution of employer under the General Provident Fund (GPF). So far as the question of withholding of pension is concerned, the reliance is placed on Rules 126, 127 read with 130 of the Maharashtra Civil Services (Commutation of Pension) Rules and that matter will have to be examined.

We have heard this matter on two occasions waiting for the learned counsels appearing for the parties to assist the Court properly. We do not find any reference in the reply filed by the University to the denial of GPF and the

gratuity to the petitioner. University accepts that the Payment of Gratuity Act is applicable to the petitioner and this is what is stated in the order, withholding the payment of gratuity, GPF and release of provisional pension, passed just a day before i.e. on 12.08.2020. We fail to understand as to how the respondent-University took such long time of two years to pass an order after the superannuation of the petitioner on 31.07.2018. We fail to get any assistance from the University on the provision of law.

Put up this matter after four weeks. In the meantime, we direct the respondent-University to pay an amount of 5,00,000/- (Rupees five lakhs only) to the ₹5,00,000/- (Rupees five lakhs only) to the petitioner within a period of one week, without prejudice to the rights and contentions of the parties. This shall be subject to further adjustment upon final adjudication.

JUDGE

JUDGE