

IN THE HIGH COURT OF BOMBAY AT GOA

LD-VC-CW-188/2020

Prakash Gawas

... Petitioner

Versus

State of Goa & Ors.

... Respondents

Mr. S. D. Lotlikar, Senior Advocate along with Mr. J. Karn, Advocate for the Petitioner.

Mr. P. Faldessai, Additional Government Advocate for the State.

Coram:- M.S. SONAK &
SMT. M. S. JAWALKAR, JJ.

Date:- 2nd November, 2020

P. C.:

Heard Mr. S. D. Lotlikar, learned Senior Advocate for the Petitioner and Mr. P. Faldessai, learned Additional Government Advocate for the State.

2. We issue Rule in this matter and expedite hearing in this matter.

3. Mr. Lotlikar, learned Senior Advocate presses for interim relief in terms of prayer clause (f), which reads as follows:

“f) For an interim Order directing the respondents to release all the petitioner's terminal benefits save and except 5% of the pension for a period of 3 years as directed by the Director General of Police in terms of his Order dated 14/11/2016. (ANNEXURE-L) to the petition.”

4. By our previous order, we had directed the appellate authority to dispose of petitioner's appeal against respondent's order dated 14.11.2016, in terms of which, 5% pension due to the petitioner for a period of three years, has been directed to be withheld. Be that as it may, in terms of respondent's own orders, there can be no difficulty for release of 95% of the pension amount which, has been unnecessarily withheld.

5. Accordingly, we direct the concerned respondents to release to the petitioner 95% of the pension together with arrears as expeditiously as possible and in any case within eight weeks from today. Though, we have granted eight weeks time, the same is basically in the context of payment of arrears. According to us, the actual pension amount has to be paid latest by the end of this month itself.

6. Further, the respondent to also consider whether since the period of three years is getting expired, now full pension should be paid to the petitioner.

7. If, there is no order to withhold other pensionary/terminal benefits due to the petitioner, then, it is expected that all these other pensionary/terminal benefits will be released to the petitioner.

8. Once the pleadings are complete, liberty to apply for a fixed date for disposal of this petition.

9. Mr. Faldessai states that he will waive notice on Rule on behalf of the respondents in this petition.

SMT. M. S. JAWALKAR, J.

M. S. SONAK, J.

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