

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3190 OF 2015

RAMESH KASHINATH RUMALE
VERSUS
UNION OF INDIA AND OTHERS

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Advocate for Petitioner : Mrs. Rashmi S. Kulkarni
Advocate for Respondents: Mrs. Deepali S. Jape (Ansingkar)

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**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATED : 6th AUGUST, 2015

P.C. :-

1. The present writ petition is filed for limited purpose seeking directions against the respondents to issue pension paper order in the name of the petitioner and to pay arrears of pension from 18.1.2005 till date.

2. Mrs. Kulkarni, the learned counsel for the petitioner submits that the Armed Forces Tribunal, Regional Bench at Mumbai has allowed the Transfer Application of the present petitioner and the Tribunal has passed order thereby directing the respondents to fix the reservist pension of the petitioner and quantify the amount of arrears as per its order, so also shall issue necessary pension paper order within four months. The said order is passed on 23.4.2014. The learned counsel submits that as yet the petitioner has not received

benefits of the said order. On 19.10.2014, the letter is issued by the Air Headquarters that case is already processed for issuing Government sanction for implementation of the Tribunal's order. However, till date, the petitioner has not received any amount.

3. The learned counsel for the respondents states that the petitioner has remedy of executing the orders passed by the Tribunal. In the light of that, this court may not exercise the jurisdiction under Article 226 of the Constitution of India. The learned counsel relies on the judgment of the Apex Court in the case of ***Union of India and others versus Major General Shrikant Sharma, in civil Appeal No. 7400 of 2013.***

4. We have considered the submissions canvassed by the learned counsel for both the parties. The order of the Tribunal has become final. It appears that even letter is issued to the petitioner on 19.10.2014 (Exh. E) thereby intimating the petitioner that the case of the petitioner is already processed for issue of Government sanction for implementation of the Tribunal's order dated 23.4.2014 passed in case of the petitioner. The same is almost prior to 9 months.

5. The petitioner is senior citizen, more than 70 years of age. The petitioner has not yet received the usufruct of the order passed by the Tribunal in his favour. The judgment in the case of ***Union of***

India (referred supra) may not be relevant for the reason that the judgment of the Tribunal is not assailed in the present writ petition. This Court is not called upon to exercise any appellate jurisdiction over the order of the Tribunal. However, the prayer is made that the said order of the Tribunal is not being complied by the respondents till date. The respondent is expected to be a model litigant. It is not disputed that the order of the Tribunal of which the implementation is sought has become final.

6. In the light of that, it is expected that the respondents shall proceed to give benefits of the said judgment to the petitioner, more particularly when it has been mentioned that the case has already been processed. In the light of above, we pass the following order:-

ORDER

- I. The respondents shall pay the arrears of the reservist pension to the petitioner as per the order of the Tribunal, expeditiously, preferably within four months.
- II. Writ petition is accordingly disposed of. No costs.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)