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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.5744/2004

Dr.Sharadchandra Venkatrao
Ratnalikar.

...Petitioner..

Versus

The State of Maharashtra & others.

...Respondents...

.....

Shri S.R. Barlinge, Advocate for petitioner.

Shri K.G. Patil, AGP for the State.

.....

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

DATE: 14.08.2015

ORDER :

1] Learned counsel for the petitioner states that the petitioner was removed from service. He had filed application for compassionate pension under Rule 101 of the Maharashtra Civil Services (Pension) Rules. Even this Court, while disposing of the earlier writ petition, had directed the respondent – State to consider the case of the petitioner for grant of compassionate pension. According to the learned counsel, one of the reasons for

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not interfering with the order of removal by this Court in the earlier writ petition was that the petitioner can claim compassionate pension. According to the learned counsel, without assigning any reason, the claim of compassionate pension is rejected. The learned counsel submits that even the Accountant General had recommended to grant 2/3rd of the invalid pension. However, without spelling out any reasons, the order has been passed denying the claim.

2] Learned AGP submits that the petitioner was removed from service after inquiry. There were allegations of misconduct and mis-appropriation. The order is rightly passed.

3] This Court in Writ Petition No.1522/1987 had observed in the order dated 18.6.2004 as under:-

"18. The petitioner's claim for compassionate pension is, however, pending with the Government of Maharashtra and the State is required to take a final decision in keeping with the provisions of Section 101 of the Pension Rules. The petitioner had reached the age of superannuation on or about 15.10.1993. He has been waiting for the last eleven years to receive his retiral benefits as may be available to him under the Rules. In spite of the directions issued by this Court in Civil

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Application No.6257 of 1997 precious little has been done by the authorities concerned in the State Government. The communication dated 8.2.2002 received by the Joint Director of Higher Education at Aurangabad from the Accountant General's office at Nagpur has set out the details of the pensionary benefits that could be considered by the competent authority for payment to the petitioner under Rule 101 of the Pension Rules. Those benefits could not be disbursed to the petitioner in the absence of Government sanction for compassionate pension."

4] The aforesaid observations of this Court in the earlier writ petition would show that even the Accountant General's office at Nagpur had set out the details of the pensionary benefits that would be considered by the competent authority for payment to the petitioner under Rule 101 of the Pension Rules.

5] Considering the above, the authority while denying the claim of the petitioner ought to have given some reasons as to why the claim of the petitioner is not being considered. Only in two lines the said claim is said to have been rejected. In fact the reasons are the lifeline of any administrative or quasi-judicial order.

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It depicts the application of mind of the authority passing the order.

6] In the light of that, the impugned order dated 30.7.2004 is set aside. The competent authority shall re-consider the aspect of claim of the petitioner for compassionate pension under Rule 101 of the Maharashtra Civil Services (Pension) Rules on its own merits in accordance with law and policy and shall decide the same by giving reasons, expeditiously and preferably within four months from today. Writ petition is disposed of. There shall be no order as to costs.

(V.K. JADHAV, J.)

(S.V. GANGAPURWALA, J.)