

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
APPELLATE SIDE, BENCH AT AURANGABAD

REVIEW APPLICATION (CIVIL) NO. 48 OF 2016

in

Writ Petition No. 2460 of 2001

Smt. Kalabai w/o Vithal Nikalje, died, Through
her Legal Representatives (1) Sanjay s/o
Vithal Nikalje and two others

APPLICANTS

V E R S U S

The Village Development Officer, Ashti,
District Beed and four others

RESPONDENTS

Mr. V.M. Chate, Advocate for the Applicants
Mr. V.M. Kagne, A.G.P. for the Respondent – State
Mr. V.P. Savant, Advocate for Respondent No. 3

**CORAM : A.V. NIRGUDE &
A.I.S. CHEEMA, JJ.**

DATE : 28th April, 2016

PER COURT :

1. In paragraph no. 3 of the oral Judgment, passed in Writ Petition No. 2460 of 2001, we observed as under :-

“3. The question before us is whether the petitioner was entitled for pension from the date of her termination in 1990. If the answer to this is in affirmative, what amount of pension was payable to her and to whom this pension should now be paid. All these questions should be decided by the pension sanctioning authority, which according to the learned A.G.P. is, Accountant General, Nagpur. We expect the Accountant General, Nagpur to decide the pension proposal within two

weeks from today. We are not inclined to give any more time because the case is very old. In order to facilitate early decision on this, the petitioner's Advocate shall submit additional copy of proposal to learned A.G.P. Rule made absolute in above terms."

2. Learned counsel for the petitioner is now suggesting that the Accountant General, Nagpur is not a pension sanctioning authority. Learned A.G.P. as well as learned counsel for the Zilla Parishad agreed that the case of the petitioner, which was sent by the Zilla Parishad to the Government of Maharashtra for deciding the question granting of pension etc., ought to be taken to its logical end. In other words, the only change that is required to be made in the oral judgment dated 22nd September, 2014, passed in Writ Petition No. 2460 of 2001, is as under :-

"The Chief Officer of Zilla Parishad is directed to re-send the petitioner's pension case to the State of Maharashtra within one month from today. We request the Chief Secretary to refer this case to the concerned department for decision. We hope that the necessary order would be passed within six months from the date of proposal from the Zilla Parishad.

3. Review Application stands disposed of accordingly.

(A.S.I. CHEEMA, J.)

(A.V. NIRGUDE, J.)

