

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1967 OF 2016
(Tulshiram Shenpadu Kharat Vs. The State of Maharashtra
and others)

Mr. Vinod Prakash Patil, Advocate for the Petitioner
Mr. S.D. Kaldate, A.G.P. for respondent No. 1/State
Mr. D.B. Pawar, Advocate for respondent No. 2 and 3

CORAM : S.S. SHINDE AND
SANGITRAO S. PATIL, JJ.

DATE : 20th JUNE, 2016

PER COURT :

1. Heard learned counsel for the parties.
2. The learned counsel for respondent Nos. 2 and 3, relying upon the provisions of Rule 14 (f) of the Maharashtra Zilla Parishads District Services (Discipline and Appeal) Rules, 1964 submits that the petitioner can assail the impugned order by filing the appeal under the said provision.
3. The learned counsel appearing for the petitioner submits that the petitioner will seek the appropriate remedy of appeal under the aforesaid Rules. However, there is no reason for discontinuing the

payment of provisional pension to the petitioner.

4. In the light of the submissions made across the bar, we grant three weeks' time from today to the petitioner to file the appropriate proceedings before the Divisional Commissioner (Revenue). Upon filing such an appeal, the Divisional Commissioner shall issue notice to all the concerned and after adhering to the relevant provisions of law and hearing the parties, shall take the decision in the said proceeding, on its own merits, as expeditiously as possible, however, within a period of six months from today.

5. The respondents shall continue to pay the provisional pension to the petitioner, subject to filing the appropriate appeal/proceeding by the petitioner before the Divisional Commissioner within three weeks from today and outcome of the appeal/proceeding, which will be decided by the Divisional Commissioner, as directed above.

6. Till the decision by the Divisional Commissioner in an appeal/proceeding that would be filed

by the petitioner, as directed above, on the basis of the impugned order/communication, there shall be no recovery of the amount from the petitioner.

7. With the above directions, the writ petition is partly allowed and stands disposed of.

8. The parties to act on authenticated copy of this order.

[SANGITRAO S. PATIL]
JUDGE

[S.S. SHINDE]
JUDGE

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