

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

11 WRIT PETITION NO. 2764 OF 2015

CHANDRAKANT GOVARDHAN BERAD

VERSUS

STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Mr. Deshpande Ajay S.
AGP for Respondents State: Mr. M. B. Bharaswadkar
Advocate for Respondents 2 and 3 : Mr. R. S. Deshmukh

**CORAM : S. V. GANGAPURWALA &
K. L. WADANE, JJ.**

DATE : 29th August, 2016

ORDER:

1. The petitioner has approached this Court with a request to suitably determine his pension on the date of his retirement as, according to the petitioner, he was working as Personal Assistant to the Principal District Judge and was getting salary in the pay scale of Rs.9300-34800/- with Grade Pay of Rs.5200/-. The petitioner was granted extension in service for one year, beyond the age of his retirement on superannuation, as Stenographer (Higher Grade) and his pay was protected as on the date of his retirement. Mr. Deshpande, the learned counsel submits that now pensionary benefits are paid to the petitioner on the pay scale of Rs.9300-34800 with Grade Pay of Rs.4400/- and not considering the Grade Pay of Rs.5200/-. The learned counsel submits that provisions of Maharashtra

Civil Services (Discipline & Appeal) Rules, 1979 would not be applicable in this matter.

2. Mr. Deshmukh, the learned counsel for the respondents submits that the petitioner has a remedy before the Administrative Committee by way of Appeal. The petitioner can approach the Administrative Committee and make grievance with regard to the fixation of his pension and retiral benefits. The learned counsel further submits that if the petitioner approaches the Committee with the grievance raised in the present writ petition, the Administrative Committee would take decision upon the same.

3. In view of the said submission, the petitioner may file appeal before the Administrative Committee.

4. The Petitioner may make request to the Administrative Committee for early disposal of the appeal.

5. Writ petition is accordingly disposed of. No costs. All contentions are kept open.

(K. L. WADANE, J.)

(S. V. GANGAPURWALA, J.)

JPC