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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.6901 OF 2015.

Tukaram Anna Bhosale Petitioner
V/s.
The State of Maharashtra and anr Respondents
Mr. G. N. Salunkhe, I/by Umesh Kurund, for the petitioner.
Ms. S. S. Bhende, A.G.P., for the Respondent-State.

**CORAM : RANJIT MORE &
DR. SHALINI PHANSALKAR-JOSHI, JJ.
DATE : 11th APRIL, 2016.**

P.C. :

1. Heard Mr. Salunkhe, learned counsel appearing for the petitioner and Ms. S.S. Bhende, learned AGP for the State. None appears for respondent No.2 despite service of notice of this petition.

2. By this petition filed under Article 226 of the Constitution of India, the petitioner seeks following relief:-

(b) Rule may kindly be made absolute and by issuing Writ of Mandamus or any other similar writ, order of direction in the nature of mandamus under Article 226 of the Constitution of India and the Respondent No.3 be directed to take immediate action to furnish the original service book of the petitioner alongwith revised form No.6 in respect of Shri. T.A. Bhosale (Petitioner) with pay verified by pay verification unit in 5th Pay to respondent No.2 and the respondent No.2 be further directed to

consider the merits and allow the benefits to the petitioner on urgent basis within time bound period.

3. The petitioner was working as Circle Inspector in the Revenue Department and he retired in the year 1997, by superannuation. The grievance of the petitioner is that he is not getting pension benefits of fifth pay commission as respondent No.3 did not furnish original service book to respondent No.2 alongwith revised form No.6 in respect of petitioner's pay verified by Pay Verification Unit to enable respondent No.2 to take further necessary action.

4. One Hanmant Kolekar, Tahsildar, North Solapur, has filed affidavit dated 3rd September, 2015. In paragraph No.3, he made following statement:-

“3. I say that Respondent No.2 vide letter dated 10.03.2014 issued to this office requested to furnish original service book alongwith revised form No.6 in reference to petitioner with pay verified by Pay Verification Unit. I say that immediately thereafter vide our office letters dated 20.05.2014 and 05.11.2014, original service book and revised form no.6 have been submitted by our office to office of Account Officer, Pune, Pay Verification Unit, Pune. Hereto annexed and marked as Exhibit-1 collectively are the copies of said letters. I say that it is pertinent to note that till today Account Officer,

Pune, Pay Verification Unit, Pune has not verified the claim of the petitioner. Therefore, the said fact was brought to the notice of Respondent No.2 by this office vide its letter dated 20.8.2015. Hereto annexed and marked as **Exhibit-2** is the copy of the said letter. I say that Respondent No.3 has never failed and neglected to furnish the service book and revised form no.6 to Respondent No.2 at any time”.

5. In the light of the statement made in the affidavit on behalf of respondent No.3 Mr. Salunke, learned counsel for the petitioner states that the grievance against respondent No.3 no more survives. Mr. Salunkhe, learned counsel for the petitioner submitted that respondent may be directed to consider the case of petitioner on merit and take appropriate decision.

6. In the above facts and circumstances of the case, we dispose of this petition by directing respondent No.2 to consider petitioner's case for his entitlement to the benefit of fifth pay commission and take appropriate decision, as expeditiously as possible and preferably within a period of 8 weeks from the date of receipt of this order.

7. All concerned to act on the authenticated copy of this order.

[DR. SHALINI PHANSALKAR-JOSHI, J.]

[RANJIT MORE, J.]