

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION No. 2585/2015.

Ku. Maya Motisingh Saraswar

-VERSUS-

State of Maharashtra and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

CORAM : B.P. DHARMADHIKARI &
KUM. I.K. JAIN, JJ.

DATE : JUNE 06, 2016.

Heard Shri A. Dixit, learned Counsel for
the petitioner and Shri A.S. Fulzele, learned Addl. G.P.
for respondent nos. 1 and 4.

2. Petitioner who has retired in the year 2010
claims that benefit of commutation of pension is still
not received by her. We find that she has retired from
services of Municipal Council, Tirora. The Chief
Officer of that Municipal Council was respondent
no.2, while its President was respondent no.3. Writ
Petition is dismissed against respondent nos. 2 and 3

2

in default on 26.02.2016. No steps have been taken by the petitioner to get it restored.

3. Reply filed by respondent no.4 however, shows that respondent no.4 Deputy Director of Education (Primary) has received a communication dated 22.06.2015 from Chief Officer of Municipal Council. Chief Officer has pointed out financial condition of employer and stated that it was not possible for the Municipal Council to release entire amount of commutation in lump sum. He assured respondent no.4 to do it in suitable installments depending upon availability of funds. The communication is dated 22.06.2015 and thus, period of more than one year has expired as on today. In this situation, we grant petitioner leave to make appropriate representation to the Chief Officer, Municipal Council, Tirora claiming the amount of commutation. If such representation is made within a period of four weeks from today, the respondent nos. 2 and 3 (Municipal Council, Tirora) shall attempt to pay to petitioner the amount of commuted value of pension within next two months.

4. With these directions and keeping all rival

contentions open, we dispose of the Writ Petition. No costs.

JUDGE

JUDGE

Rgd.