

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

CIVIL APPLICATION W. NO.785/2016

IN

WRIT PETITION NO.4075/2014

Prof. Mahadeo s/o Govindrao Khade

...Versus...

**The State of Maharashtra, through Principal Secretary Higher and Technical
Education, Mantralaya, Mumbai-32 and others**

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri F.T. Mirza, Advocate for petitioner
Shri A.K. Bangadkar, AGP for respondent nos.1 and 2
Mrs. T.D. Khade, Advocate for respondent nos.3

**CORAM : SMT. VASANTI A. NAIK AND
V.M. DESHPANDE, JJ.**

DATE : 12.04.2016

By this civil application, the applicant seeks a direction to the respondents to immediately process and forward the pension case of the petitioner without forcing the petitioner to refund the amount that is already paid to the petitioner towards pension.

By this writ petition, the petitioner had sought a direction to the respondents to extend the age of retirement of the petitioner from 60 to 62 years. Since the claim of the petitioner was not decided by the State Government for long and the petitioner had not worked as an Associate Professor till the order of extending the age of retirement was granted, in terms of the

interim directions, the petitioner was receiving the pension by considering the age of retirement of the petitioner to be 60 years. The petitioner has now sought regular pension from the respondents by considering the age of retirement of the petitioner to be 62 years, in terms of the order passed by the State Government during the pendency of the writ petition. It is the case of the petitioner that the pension case of the petitioner is not finalized only on the ground that the petitioner has not refunded the amount that the petitioner had received towards pension after he was considered to have retired at the age of 60 years. It is stated that the respondents could have deducted the amount paid to the petitioner till the order of extending the age of retirement of the petitioner was passed and the balance amount would have been paid to the petitioner towards the pensionary benefits. However, according to the petitioner, the respondents are not deducting the amount that is already paid to the petitioner towards the pensionary benefits while granting arrears of regular pension to the petitioner by considering his age of retirement to be 62 years.

We do not find that the respondents are justified in refusing to process the pension case of the petitioner only because the petitioner is not refunding the amount that was received by the petitioner towards pension during the pendency of the writ petition and till the order extending the age of his retirement was passed. It would be necessary for the respondents to immediately process the pension case of the petitioner and pay the regular pension to the petitioner by considering his age of retirement to be 62 years after deducting the amount that is paid to the

petitioner towards pension during the pendency of the writ petition.

In view of the aforesaid, the prayer made in the civil application is granted. The respondents are directed to finalize the pension case of the petitioner within a period of six weeks.

The civil application is disposed of accordingly.

JUDGE

JUDGE

Wadkar