

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

WRIT PETITION NO.3370 OF 2003.

Ganeshrao Uttamrao Patil ..vs.. The State of Mah. and ors.

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

Court's or Judge's orders

Mr.N.S.Rao, AGP for resp.nos.1 and 3.
Mr.J.B.Kasat, Advocate for respondent no.2.

**CORAM : B.P.DHARMADHIKARI AND
P.N.DESHMUKH, JJ.**

DATED : APRIL 1, 2016.

1. Matter is shown as part-heard still nobody appears for petitioner. Learned AGP and Advocate Shri Kasat attempt to demonstrate that there is no delay on the part of respondents either sanctioning or paying the pension. Petitioner worked from 1948 till 1991 and opted for pension in 1997. They point out that immediately after receipt of said option, steps were taken and, as disclosed in paragraph no.6 of the Petition, pension was released on 31st of August, 1998 and arrears were paid on 31st of October, 1998.

2. They also attempt to demonstrate that while in service, thrice petitioner changed his employer and it was without following proper procedure. Breaks were therefore

required to be condoned and reasonable time was therefore taken. According to them, in this situation, when petitioner may have earlier continued under Contributory Provident Fund Scheme, there is no question of paying him any amount of G.P.F. or gratuity.

3. In 2003 when Writ Petition was filed, age of petitioner Ganeshrao Patil is shown as 73 years. Today, he must be about 86 years old. This writ petition was dismissed in default on 29th of November, 2006 and was restored on 22nd of March, 2007.

4. Considering above facts, instead of recording any finding on merits, we find it proper to dismiss writ petition in default with costs of Rs.500/- payable by petitioner to High Court Legal Aid Services Sub Committee Nagpur.

JUDGE

JUDGE

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