

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

WRIT PETITION No. 5978/2015.

Smt. Ratnamala Dilip Harde and others.

-VERSUS-

The Chief General Manager, Telecommunication, Mumbai 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. INDIRA JAIN, JJ.

DATE : JULY 15, 2016.

Heard Shri M.L. Mourya, learned Counsel
for the petitioners, Ms. U.R. Tanna, learned Counsel
for respondent nos. 1 to 7 and Ms. M.R. Chandurkar,
learned Counsel for respondent no.8, for some time.

2. One Dilip Harde expired on 15.12.2013
while in the employment of respondent nos. 5 to 7.
Claim by his legal heirs is for expeditious payment of
terminal benefits along with interest.

3. It is not in dispute that during the
pendency of the Writ Petition, certain amounts have
been paid to the petitioners.

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4. Shri Mourya, learned Counsel for petitioners upon instructions has restricted his arguments only to entitlement of petitioners to claim interest.

5. Though respondent nos. 5 to 7 have filed reply affidavit, we find the same insufficient. Perusal of record show that on 25.04.2014, the Superintending Engineer, BSNL has written to the General Manager on some inquiry report and it appears that an ex-post facto approval of CGMT for regularization for promotion to the post of Driver cadre/grade was sought for. In one more communication dated 28.06.2014 sent by the office of the Superintending Engineer to the Executive Engineer on the subject of regularization of appointment as driver of 7 motor drivers appointed by the Civil Wing, a question has been posed and guidance is sought, whether the pension and other benefits accrued to the officials as per rules should be processed or be held up till the completion of the inquiry. It is pointed out that further instructions were then awaited from PCE(C) Mumbai.

6. The respondents- employer has filed reply

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affidavit pointing out that necessary papers were made available by the petitioners only in October, 2015. Thus according to them, there is no delay in processing the papers.

7. The delay to be looked into is from December, 2013 till the date of release of payment i.e. June, 2016.

8. Parties before this Court are not in a position to explain the exact nature of inquiry which was then conducted or completed in the matter of promotion or then the scope or impact of that inquiry.

9. In this situation, instead of keeping the matter pending before this Court we grant petitioners leave to make appropriate representation pointing out their entitlement to interest in terms of Rule 68 of the Central Civil Services (Pension) Rules, 1972. If such representation is made within three weeks, the respondent nos. 5 to 7 to look into it in accordance with law within a period of next eight weeks.

10. If necessary, an opportunity of hearing should be extended to petitioners and if the petitioners are found entitled to receive interest, the same shall be released to them within next 8 weeks. Acceptance of

such interest shall not preclude the petitioners from challenging the correctness or otherwise of the same.

11. With these directions and keeping all points as to eligibility and entitlement to interest open, we dispose of the Writ Petition. No costs.

JUDGE

JUDGE

Rgd.

CERTIFICATE

I certify that this judgment/order uploaded is a true and correct copy of original signed judgment/order.

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