

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

CIVIL APPLN. (W) NO. 2046 OF 2016

IN

WRIT PETITION NO. 4334 OF 2014

Uttamchand s/o Late Aminchand Thakur

-vs-

State of Maharashtra, thr.its Principal Secretary, Higher and Technical Education and others

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

Court's or Judge's Orders.

Mr. R.D.Khade, counsel for the applicant/petitioner.
Mr. V.P.Maldhure, AGP for the respondent Nos.1 and 2.
Mr. A.M.Sudame, counsel for the respondent No.3.

CORAM : SMT. VASANTI A NAIK &
KUM. INDIRA JAIN, JJ.

DATE : 06.10.2016.

Heard the learned counsel for the parties.

Perused the contents of the application.

By this civil application, the applicant seeks a direction to the respondents to consider that the petitioner has superannuated after attaining the age of 62 years and extend the benefits to the applicant/petitioner accordingly.

On hearing the learned counsel for the parties, we find that the issue whether the petitioner was entitled to retire at the age of 62 years arises for consideration in this writ petition. The State Government has not granted extension to the services of the petitioner, till the age of 62 years. In this background, a direction cannot be issued against the respondents to grant the pensionary benefits to the petitioner by considering that he has retired on attaining the age of superannuation at 62 years. However, it would be necessary to direct the respondents to grant the pensionary benefits to the petitioner provisionally, by considering that he has retired on attaining the age of 60 years, subject to the decision in the writ petition.

The arrears of pensionary benefits may be released in favour of the petitioner at the earliest in accordance with this order and the provisional pension should also be paid to the petitioner regularly, till this writ petition is decided. Similarly, the respondents are also directed to release the gratuity and provident fund to the petitioner as per his entitlement by considering his age of retirement to be 60 years. The civil application stands disposed of accordingly.

JUDGE

JUDGE

KHUNTE

C E R T I F I C A T E

I certify that this Order uploaded is a true and correct copy of original signed Order.

Uploaded by : G.S.Khunte,
P.A.to Hon'ble Judge

Uploaded on : 10/10/2016