

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.727 OF 2017

Shri Maruti Dattatraya Patil

... Petitioner

Vs

The State of Maharashtra & Ors.

... Respondents

...

Mr. Prashant Bhavake for the Petitioner.

Mr. V. N. Sagare, AGP for Respondent – State.

Mr. Umesh Pawar for respondent Nos. 5 and 6.

CORAM : SHANTANU S. KEMKAR &

PRAKASH D. NAIK, JJ.

DATE : 9th MARCH, 2017

PC. :

. Not on board. Upon mentioning taken on board.

2. The grievance of the petitioner is that his matter for grant of pension has been considered and rejected by the third respondent taking into consideration clause 14 of the GR dated 27th June 2013, whereas, his case would fall under clause 15 of the said GR. He submits that had his case would have been considered by the Respondents in terms of clause 15, the petitioner would have been held entitled for grant of pension.

3. Having heard learned counsel for the parties, we are inclined to dispose of this petition by directing the respondent No. 3 to decide the petitioner's claim afresh, keeping in view the petitioner's contention that his claim is covered under clause 15 of the GR. While taking a fresh decision the competent authority of the respondents shall not be influenced by the order dated 03.11.2015 and dated 14.12.2015. The fresh decision as aforesaid be taken in accordance with law by the respondent no. 3 (competent authority) within a period of 6 weeks from the date of receipt of copy of this order.

4. In case the petitioner is found to be entitled for the pension as aforesaid, consequential steps shall be taken by all concerned respondents within a period of one month thereafter.

5. The petition is stands disposed of.

(PRAKASH D. NAIK, J)

(SHANTANU S. KEMKAR, J.)