

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION No. 8830 OF 2015**

Shri Ashok Haribhau Sawant

....Petitioner.

Vs.

State of Maharashtra & Ors.

....Respondents.

Mr. S.R. Morey i/by V.S. Talkute for the Petitioner.

Ms. Nisha Mehra, AGP for Respondent Nos. 1 and 2.

**CORAM : ANOOP V. MOHTA AND
RAVINDRA V. GHUGE, JJ.**

DATE : 2 MAY 2017.

FINAL ORDER:-

1. We have heard the learned counsel appearing for the respective sides and have gone through the Petition paper book with their assistance.

2. The prayers put-forth by the Petitioner in clauses (a) and (b), below paragraph No. 21 read as under:-

“a) *This Hon'ble High Court be pleased to issue appropriate writ, order or directions and direct the Respondents to complete the formalities regarding the grant of pension to the Petitioner as expeditiously as possible and in any event within a period of two months from the date of order or*

within such period as this Hon'ble Court may deem just and reasonable.

- b) *This Hon'ble High Court be pleased to direct the Respondents to pay to the Petitioner the interest at the rate of 18% p.a. on delayed payment of the pension from the date of the retirement of the Petitioner till realization of the pension along with the arrears."*

3. There is no dispute that the solitary ground for declining to pay the pension to the Petitioner is that he was not qualified in terms of the required age at the time of joining the duties in 1985. He has retired in the year 2011 after having put in 26 years of service. The only reason set out by the Respondents is that the Petitioner was age-barred when he was recruited in employment.

4. It has been pointed out that, this Court has dealt with the identical issues in the following matters-

- a) *Order dated 10th January 2012 in Writ Petition No. 6523 of 2011 in the matter of Madhukar Shankarrao Pawar & Ors. Vs. State of Maharashtra & Ors..*

- b) *Order dated 17th December 2013 in Writ Petition*

No. 6168 of 2012 in the matter of Dilip Krushna

Tadakhe & Ors. Vs. State of Maharashtra & Ors.

5. We, therefore, find that the issue of raising an objection as regards the qualifying age at the time of recruitment, being raised at the fag-end of the service of the Petitioner, has been dealt with by this Court and the said objection has been rejected. The observations of this Court in paragraph Nos. 2 and 3 in the order dated 17th December 2013 in the matter of *Dilip Krushna Tadakhe (Supra)*, puts this issue to rest.

6. Considering the above, this Petition is allowed in terms of prayer clause (a). Insofar as the interest on the pension is concerned, we are granting 10% interest per annum on the pension amount, which should have been paid to the Petitioner within three months from the date of his superannuation i.e. on 31 May 2011. The said interest shall, therefore, be calculated w.e.f. 1 September 2011.

(RAVINDRA V. GHUGE, J.)

(ANOOP V. MOHTA, J.)