

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3263 OF 2016

Narasinvah Krishnaji Kulkarni ...Petitioner
vs.
State of Maharashtra and Others ...Respondents

Mr. S.R. Moray i/b. Mr. V.S. Talkute, for the Petitioner
Mr. Sandeep Babar, AGP for the Respondent-State.

**CORAM : SHANTANU S. KEMKAR &
M. S. SONAK, JJ.**

DATE : AUGUST 03, 2017

P.C.:

- . Not on board. Upon mentioning taken on board.
2. By filing this Petition under Article 226 of the Constitution of India, the Petitioner is seeking following directions to the Respondents.

“(a) This Court to issue appropriate writ, order or directions to Respondents to complete the formalities regarding the grant of re-fixation of salary and pension arrears as per the GR dated 18th February, 2011 and further grant the same 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 Court may deem just and reasonable.

(b) This Court 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 retirement of the Petitioner till realization of the pension along with arrears.

(c) Cost of the Petition be provided.

(d) Any other appropriate reliefs in the facts and circumstances of the present case be granted in favour of the Petitioner”.

3. The learned counsel for the Petitioner submits Respondent No. 3 – University has sent the proposal for re-fixation of the Petitioner's salary before Respondent No. 2 but the Respondent No. 2 has not taken any decision on it. We find that the Petitioner has not submitted a detail representation before Respondent No. 2 with supported documents in regard to its claim.

4. In the circumstances, we dispose of this Petition with liberty to the Petitioner to submit a detail representation before Respondent No. 2. Let this be done within one month from today.

5. On receipt of such representation, the Respondent No. 2 shall consider and take appropriate decision on it in accordance with law. In case the Respondent No. 2 finds that the Petitioner is entitled for re-fixation of his salary, the consequential benefits be extended in his favour. The entire exercise be completed by Respondent No. 2 within three months from the date of receipt of representation as aforesaid.

6. With the aforesaid direction, the Petition is disposed of.

(M. S. SONAK, J.)

(SHANTANU S. KEMKAR, J.)