

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

CIVIL APPLICATION W. NO.1806/2017

IN

WRIT PETITION NO.5322/2016

Purushottam s/o Vitthalrao Pagrut

...Versus...

Maharashtra Jeevan Pradhikaran, Mumbai 400 021 through its Member
Secretary and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri P.D. Meghe, Advocate for petitioner
Shri D.M. Kakani, Advocate for respondent nos.1 and 2
Shri A.M. Balpande, AGP for respondent no.3

CORAM : B.P. DHARMADHIKARI AND
ARUN D. UPADHYE, JJ.

DATE : 16.08.2017

Petitioner seeks leave to incorporate challenge to punishment of withholding pension and recovery of certain amount.

According to Advocate Shri Kakani, main prayer in petition as filed is only to release pension after superannuation with other retiral benefits. He, therefore, submits that nature of challenge undergoes drastic change and therefore, a fresh petition should be filed.

Advocate Shri Meghe points out that petitioner was already superannuated when he approached this Court and he was also exonerated by Enquiry Officer. On the strength of that exoneration, petition came to be filed.

In normal circumstance, we would have accepted technical objection raised by Advocate Shri Kakani, however, here person, who has already superannuated and was seeking pension and other retirement benefits, has been denied the same because of order of punishment passed during pendency of writ petition.

We, therefore, allow the civil application. Necessary amendment be carried out within two weeks.

Liberty to respondents to file their additional reply/reply, if any, within next four weeks.

List the matter on 07/11/2017.

JUDGE

JUDGE

Wadkar