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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 2251 OF 2004

Bharatsingh Deosing Rajput,
Age: 61 years, Occ: Retired,
R/o. Velhane, Tal. & Dist. Dhule. PETITIONER

VERSUS

1. The State of Maharashtra
(through Secretary, Rural
Development and Water
Conservation Department,
Mantralaya, Mumbai.
2. The Chief Executive Officer,
Zilla Parishad, Dhule.
3. The Accountant General-II,
Maharashtra State, Nagpur.
3. The Accountant General-I
Maharashtra Mumbai. ..RESPONDENTS

Mr B.R. Warma, Advocate for petitioner;
Mr A.S. Shinde, A.G.P. for respondent Nos. 1 & 3;
Mr S.P. Shah, Advocate h/f Mr P.V. Barde, Advocate
for respondent No.2

**CORAM : PRASANNA B. VARALE &
S. M. GAVHANE, JJ.**

DATE : 14th JUNE, 2018

ORAL ORDER :

Heard learned Counsel for the respective

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parties.

2. The petitioner was before this Court with prayer clause (B), which reads thus :

By issuing Writ of Mandamus, or any other writ, order or direction in the like nature, the respondent be directed to grant and release the pension with its consequential monetary retrial benefit to the petitioner together with interest at the rate of 12% per annum within the stipulated period.

3. The grievance of the petitioner was, the petitioner resumed duties with respondent No.2 some time in 1972-1973 and worked continuously with the said respondent. It was submitted before this Court that on the ground that there is a criminal case lodged against the petitioner, the petitioner's services were not continued. It was also submitted that the Government issued Circular dated 3rd January, 1983 so as to give service benefits to those persons who have worked in the faming period. The benefit was given to other

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similarly situated persons and also some employees who were junior to the petitioner. It was submitted that the petitioner had approached learned Member of Industrial Court by filing Complaint (ULP) No. 724 of 1999 and the said complaint was allowed.

4. It was submitted that the petitioner stood retired on 28th February, 2001. Though the petitioner approached the authorities by submitting various representations for grant of pensionary benefits, the proposal was not forwarded to the competent authority only on the ground that Zilla Parishad had preferred writ petition challenging the order passed by learned Member of Industrial Court which was passed in favour of the petitioner. It was also submitted that in the criminal case, the petitioner was acquitted by the competent judicial forum.

5. A communication is placed on record dated 10th February, 2003 to submit that only on the

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ground of pendency of writ petition, the petitioner's claim for pensionary benefit is not not considered.

6. By separate order, we have disposed of Writ Petition No. 1176 of 2003 preferred by Chief Executive Officer of Zilla Parishad, Dhule. We hold that the petitioner is entitled for pensionary benefits as he was entitled to be absorbed by benefit given by Circular dated 3rd January, 1983. Thus, we partly allow the petition by directing respondent No.2 to forward pension proposal to respondent No.3 as expeditiously as possible and not later than three weeks from the date of order of this Court.

7. Mr. Warma, learned Counsel appearing for the petitioner submitted that there would be certainly delay in disbursement of pension ultimately in view of the order of this Court and for delayed payment of pension, the petitioner be granted benefit of receiving amount of pension with

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interest. Mr. Warma, learned Counsel in support of his submission placed reliance on G.R. dated 24th April, 1995 which is placed on record at Exhibit-H. We are unable to accept the submissions of Mr. Warma. We only direct the respondent authorities namely respondent Nos.2 and 3 to consider the representation if any submitted by the petitioner for seeking benefit by way of G.R. dated 24th April, 1995. If such representation is submitted by the petitioner, the same be decided as early as possible without causing any inordinate delay considering the fact that the petitioner is now in advanced age.

8. With above observations, the petition is disposed of.

(S. M. GAVHANE)
JUDGE

(PRASANNA B. VARALE)
JUDGE

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