

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

**WRIT PETITION NO.9164 OF 2018**

The Chief Executive Officer,  
Zilla Parishad, Beed  
and anr.

..Petitioners

Vs.

The State of Maharashtra  
and ors.

..Respondents

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Mr.V.M.Chate, Advocate for petitioners  
Mrs.P.V.Diggikar, AGP for respondent no.1  
Mr.L.H.Kawale, Advocate for respondent no.3

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**CORAM : S.V. GANGAPURWALA AND  
R.G. AVACHAT, JJ.  
DATE : NOVEMBER 19, 2018**

**ORAL JUDGMENT (PER S.V.GANGAPURWALA, J.): -**

Rule. Rule made returnable forthwith. With the consent of the parties, the petition is taken up for final hearing.

2. Mr.Chate, learned Counsel for the petitioners, submits that the Tribunal did not consider the defence raised by the petitioners – Zilla Parishad. It is not

the fault of the petitioners – Zilla Parishad. Respondent no.3 had not taken steps to get corrected the entries in the service book, so also the name of the nominee was changed by making over-writing. The petitioners directed respondent no.3 to file an affidavit regarding the name of the nominee. The same was given subsequently. The petitioners completed the proposal of pension and forwarded it to respondent no.2. All these aspects have not been considered by the Tribunal.

3. Mr.Kawale, learned Counsel for respondent no.3, submits that on the basis of the letter dated 30.11.2017, it was represented that respondent no.3 was not entitled to pension. The Tribunal considered the grounds enumerated in the said letter, to be insufficient to withhold the pension. The said aspect has been rightly considered by the Tribunal.

4. We have gone through the order passed by the Tribunal. The petitioners had filed detail

affidavit/say to the Original Application raising various grounds. The said say does not seem to have been considered by the Tribunal and the Tribunal only relied upon the letter dated 30.11.2017. The petitioners – Zilla Parishad disputed the contents of the said letter and stated that point no.4 of the letter is incorrect.

5. The order of the Tribunal also nowhere specifies the "interest" nor the period for which the interest is awarded. The Tribunal ought to have quantified the interest payable to present respondent no.3. Moreover, the defence raised by respondent no.3 in the say/affidavit also does not seem to have been considered by the Tribunal.

6. In the light of the above, the impugned order passed by the Maharashtra Administrative Tribunal is quashed and set aside to the extent of Clause No.2 thereof. The parties are relegated before the Maharashtra Administrative Tribunal. The parties

shall appear before the Tribunal on 05.12.2018. The Tribunal shall decide the Original Application No.719 of 2016 afresh on its own merits expeditiously.

7. Rule is made absolute accordingly. The Writ Petition is disposed of. No costs.

**[R.G. AVACHAT, J.]**

**[S.V. GANGAPURWALA, J.]**

kbp