

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

932 WRIT PETITION NO. 14781 OF 2017

MOHOMMAD PASHA ISMAIL CHISTI

VERSUS

THE SECRETARY TO THE GOVERNMENT OF MAHARASHTRA
MUMBAI AND OTHERS

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Advocate for Petitioner : Mr. Dhongade Suresh D.
AGP for Respondents 1 and 3 : Mr. S.M.Ganachari
Advocate for Respondent no. 2 : Mr. S.S.Manale

...

CORAM : PRASANNA B. VARALE

AND

SUNIL K. KOTWAL, JJ.

DATE : NOVEMBER 1, 2018

O R D E R :

Heard Mr. Dhongade, learned counsel for the petitioner, Mr. S.M.Ganachari, learned AGP for respondent no.1 and Mr. Manale, learned counsel for respondent no.2.

2. By way of present petition, the petitioner prayed for directions to grant pension and pensionary

benefits including amount of pension, commutation of pension, gratuity, provident fund, group insurance scheme and encashment of leave, due to him from 1.11.1992 onwards. Mr. Dhongade, learned counsel, by inviting our attention to various documents placed on record, submitted that the petitioner was an employee of Panchayat Samiti and his work was satisfactory. Learned counsel submits that, at times the petitioner participated in various camps and his performance was appreciated by issuing certificates. Learned counsel then submitted that the petitioner stood retired on 31.10.1992 on superannuation.

3. As the petitioner was deprived of certain service benefits, the petitioner made representation to the Chief Executive Officer, Zilla Parishad, Latur. Learned counsel Mr. Dhongade invited our attention to the copy of representation, dated 23.11.2018 placed on record at Exh. 'B'. It is then submitted that no steps were taken and matter was pending before the

authorities.

4. The petitioner, due to his old age could not take steps immediately, but then the petitioner again approached the State authorities including the Accountant General of the State of Maharashtra through the Divisional Commissioner, Aurangabad. Our attention was also invited to the communication dated 8.6.2016 forwarded from the office of Chief Executive Officer, Zilla Parishad, to the Accountant General, Nagpur. It is then submitted that the matter was pending before the authorities and there was round of exchange of communications from the Zilla Parishad to the State Government.

5. It is not disputed by the learned counsel appearing for the respective parties that certain queries were raised and then the proposal was re-submitted. Perusal of the documents shows that the Chief Executive Officer, Zilla Parishad submitted

proposal dated 4.3.2017 with the explanation to the queries made by the State Government. In this communication, it was submitted that the petitioner submitted his proposal belatedly. Then, there is explanation submitted by the petitioner to the Chief Executive Officer. It is stated that the petitioner is now in advanced age of 82 years. For some difficulties he was unable to approach expeditiously and as such the delay was caused.

6. Subsequently, by latest communication, proposal is forwarded from the office of the Chief Executive Officer, Zilla Parishad, Latur to the Additional Secretary, Government of Maharashtra, Mumbai on 5.7.2017. Perusal of this communication refers to the delay caused and reason assigned for the delay. The proposal states that considering the age of the petitioner and considering the difficulties faced by the petitioner, the request for condonation of delay be allowed.

7. Thus, now the factual position, which emerged before us is that the matter is pending before the State Government i.e. before the Additional Secretary of the State Government. In our opinion, the petition can be disposed of with direction to the State, more particularly to the Additional Secretary, before whom the proposal dated 5.7.2017 is submitted, to decide the proposal.

8. Resultantly, the petition is disposed of, with direction to the State, more particularly to the Additional Secretary, Government of Maharashtra, Mumbai, before whom the proposal dated 5.7.2017 is submitted, to decide the said proposal, as expeditiously as possible and not later than six weeks from the date of order, considering the age of the petitioner. Needless to state, the State authority is at liberty to take the decision on the merits of representation by verifying the record.

9. With the above directions, the petition is disposed of.

[SUNIL K. KOTWAL, J.] [PRASANNA B.VARALE, J.]

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