

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

946 WRIT PETITION NO. 14298 OF 2017

RAM HANUMANTRAO KUTKAR

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Venjane Tukaram M.

AGP for Respondents 1 and 2 : Mr. A.R.Kale

....

CORAM : PRASANNA B. VARALE

AND

SUNIL K. KOTWAL, JJ.

DATE : NOVEMBER 1, 2018

O R D E R :

Heard learned counsel for the petitioner.

2. The petitioner is a retired person and approached this Court with a grievance that monetary benefits in the nature of pensionary benefits are yet not sanctioned and released in favour of the petitioner. Various documents are placed on record to submit the service career of the petitioner. Copy of

representation is also placed on record at Exh.'F' to submit that the petitioner stood retired on 30.4.2017 and provided all the necessary documents, such as original service book, etc. through the office of the Commissioner.

3. On 12.10.2018, an order was passed by us referring to the grievance of the petitioner and also referring to the communication, dated 19.7.2018. Respondent no.2 Director, Municipal Administration was directed to file affidavit-in-reply making his stand clear. Our attention is invited to the latest affidavit-in-reply filed by respondent no.2 in response to our order. Learned AGP submitted before us various steps taken in the matter which are reflected in paragraphs 3, 4 and 5 of the affidavit-in-reply. It would be relevant for our purposes to refer to the latest events, namely the representative of respondent no.2 visited the office of the Accountant General at Mumbai in relation to the

present matter and it was informed to that representative that the case of the petitioner has been sanctioned vide communication, dated 25.9.2018 and on Website portal the status was shown as "finalized". A statement made in affidavit-in-reply filed by the Director of Municipal Administration is that till today sanction order from the office of Accountant General has not been received and benefits of gratuity and leave encashment will be processed on priority as soon as sanction letter is received from the office of Accountant General.

4. In our opinion, by accepting the above statement, the petition can be disposed of with direction to the Commissioner and Director of Municipal Administration, Mumbai to undertake exercise of releasing the benefit in favour of the petitioner, as expeditiously as possible and not later than six weeks from the date of order of this Court.

5. The petitioner is at liberty to raise his grievance for the benefit of interest amount on the delayed pension by approaching the competent forum in view of relevant provisions of law, namely the service law.

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

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

dbm