

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

WRIT PETITION NO. 2764 OF 2019

Babasaheb Kisan Raut

.. Petitioner

Versus

The State of Maharashtra and another

.. Respondents

Mr. Santosh S. Jadhavar, Advocate for Petitioner.

Mr. S. G. Karlekar, AGP for Respondent No. 1.

Mr. Kishor N. Lokhande, Advocate for Respondent No. 2.

**CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATED : 21st JANUARY, 2020.

PER COURT:-

. The petitioner seeks benefit of Rule 5 and 6 of the Maharashtra Civil Services (Commutation of Pension) Rules, 1984 (for short “Rule 1984”).

2. According to the respondents, the benefit of commutation of pension has not been given to the petitioner on the ground of financial capacity of the respondents. The financial condition of the respondents is not good, as such, the request of the petitioner for commutation of pension is rejected.

3. It is not disputed that no departmental enquiry or judicial proceeding is pending against the petitioner. It is also not disputed that the respondents that Rule 1984 apply to the parties. Rule 5 of Rules 1984 permits a Government servant to commute for a lump sum payment a fraction not exceeding one-third of his pension. The learned counsel for the respondents could not point out any provision by virtue of which the request of commutation of pension can be rejected. The financial condition would not be a ground to deny the right under Rule 5 of the Rules 1984.

4. In the light of the above, if there is no other impediment, then the respondents shall not withhold the right of the petitioner to commute one-third pension. The said benefit of commutation of pension shall be accorded to the petitioner expeditiously and preferably within a period of six (06) months from today.

5. Writ petition accordingly is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

P.S.B.