

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.5187/2018

Smt. Medha Shripad Ghatnekar

Vs.

State of Maharashtra through its Secretary for Urban Development Department, Mumbai and others.

*Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.*

Court's or Judge's Orders

 Shri Sandeep Marathe, Advocate, for petitioner.
 Ms. Shamsi Haider, Assistant Government Pleader for
 respondent nos. 1 and 4.
 Shri S.V.Sohoni, Advocate for respondent nos. 2 and 3.

CORAM : A.S.CHANDURKAR and VINAY JOSHI, JJ.

DATE : February 18, 2020.

The petitioner was appointed in a Municipal School that was being conducted by the respondent no.5- Municipal Corporation, Akola. On completion of about 16 years service, she retired on attaining the age of superannuation. On 24.11.2011 General Body of the Municipal Corporation passed a resolution granting age relaxation to facilitate valid appointment of the petitioner. The proposal forwarded to the State Government was returned by stating that it was for the Municipal Corporation to implement the same. In this backdrop, the petitioner seeks release of pensionary benefits pursuant to the service rendered by her.

After the notice was issued, the Municipal Corporation in its reply dated 21.01.2019 in paragraph 4 has stated that the pension of the petitioner has been fixed and benefits under the Assured Progressive Scheme have also been given. The only grievance now raised by the

petitioner is that the amount of pension is not being paid as per the recommendations of the Sixth Pay Commission.

Considering the request as made we permit the petitioner to make representation to the respondent no.2 claiming release of pension by applying recommendations of the Sixth Pay Commission. If such representation is made within four weeks from today, the Municipal Corporation shall take a decision on that representation within further period of four weeks. Needless to state that it is open for the petitioner to take appropriate steps if the request as made is not accepted. The writ petition is disposed of with aforesaid directions. No costs.

JUDGE

JUDGE

Andurkar