

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

WRIT PETITION NO.1542 OF 2017

(Gulam Rasul s/o Ratanbhai Pathan Vs. Divisional Controller, Maharashtra State
Road Transport Corporation, Akola)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Shri S.I. Khan, Advocate for Petitioner.
Shri V.G. Wankhede, Advocate for Respondent.

CORAM: RAVINDRA V. GHUGE AND
S.M. MODAK, JJ.

DATE: 7th FEBRUARY, 2020.

1] On 21.01.2020, this Court had passed the following order:-

On 11.09.2018, this Court had directed the petitioner to attend the office of the Divisional Controller, Akola along with all the relevant papers to enable preparation of the petitioner's pension case. Pursuant thereto, the petitioner attended the said office and has furnished various documents as required.

2. The petitioner has also filed Contempt Petition No.21 of 2019 stating therein that till date the amount of pension has not been released in his favour. On behalf of the Divisional Controller, reply has been filed alongwith the communication dated 26.03.2019 indicating the documents that are required to be supplied for grant of pension. In response, the letter of the petitioner dated 22.04.2019 is placed on record to indicate the documents that have been supplied.

3. It appears that, the birth certificate of the

petitioner's wife is presently not available with the petitioner. The petitioner is thus permitted to state this fact on affidavit and place the same before the Divisional Controller.

4. The petitioner shall attend the office of the Divisional Controller on 01.02.2020 alongwith documents which are not yet supplied/affidavit in that regard. The Divisional Controller shall consider these documents and take necessary decision in that regard.

5. Put up for further consideration on 07.02.2020.

2] The learned Advocate for the M.S.R.T.C. submits that the following documents were not submitted by the petitioner:

- [a] Birth Certificate of the wife.
- [b] Birth Certificate of the children below 25 years of age.
- [c] Aadhar Card, Pan Card and Voter ID.

3] The learned Advocate for the petitioner has pointed out from his records that an application listing out seven documents was prepared and the documents were annexed to the said list, which were tendered to the M.S.R.T.C. on 22.04.2019.

4] We find that the documents mentioned above by the learned Advocate for the M.S.R.T.C., are already supplied. The birth date of the wife is found on her Aadhar card and a separate copy of such birth certificate is therefore, dispensed with.

5] In view of the above, this petition is disposed off.

6] However, we find that the petitioner has superannuated on 28.06.1997, after a legal battle before the Labour Court at Akola and the said judgment has attained finality. On account of the issue of documents, the petitioner has not been granted pension. Even after the documents were supplied on 24.02.2019, the pension papers have not be forwarded and the petitioner is without pension for twenty three years.

7] We therefore, direct the M.S.R.T.C. to pay costs of Rs.25,000/- to the petitioner, either directly or through a D.D. payment or by depositing the amount in this Court, on or before 31.03.2020. If the amount is deposited in this Court, the petitioner would be permitted to withdraw the said amount under proper identification by the learned Advocate.

(S.M. Modak, J.)

(Ravindra V. Ghuge, J.)