

VS.

Mr.Suhas Suresh Inamdar for the Petitioner

**CORAM : K.K.TATED AND
RIYAZ I. CHAGLA, JJ.**

P. C. :

Rule. Rule returnable forthwith.

2 Heard learned counsel for the parties.

3 By this Writ Petition under Article 226 of the Constitution of India, Petitioner is challenging Circular dated 14th September 2018 issued by the Respondent and also seeking direction to continue payment of provisional pension to the Petitioner with effect from June 2018.

4 Learned counsel for the Petitioner submits that for the same
issue he has already made representation dated 20th September 2018
with the Respondent which is at Exh.I and the same is pending.

5 Mr.Gokhale, learned Assistant Government Pleader submits

that in the present petition, Petitioner is seeking release of provisional pension. In view of section 15 of the Administrative Tribunals Act,1985, this Court has no jurisdiction to entertain this petition and the same is required to be dismissed with costs.

6 The learned counsel for the Petitioner submits that in view of the objection raised by the other side about the maintainability of the present Petition in view of the Administrative Tribunals Act,1985, Respondent received instructions from his client not to press the present petition but to direct the Respondent to consider his representation dated 20th September 2018 on its own merits. To that effect, Advocate for the Petitioner has given in writing. Same is taken on record and marked 'X' for identification.

7 There is no dispute that the Petitioner is seeking direction against the Respondent to release his provisional pension by challenging circular dated 14th September 2015. In any case, Petitioner's representation dated 22nd September 2018 is pending for more than 2 years with Respondent Nos.2 and 3. As the Petitioner made a statement before this Court and given in writing that, at present he is not pressing other prayers in the present petition except to direct the Respondent to decide the Petitioner's representation dated 20th September 2018 on its own merits, Hence, the following order is passed:

(a) Respondent No.3 Commissioner, Pune is directed to consider the Petitioner's representation dated 20th September 2018 (Exh.I page 80 to the petition) on its own merits as early as possible, but in any case on or

before 30th April 2021 and inform the decision to the Petitioner.

(b) All contentions of both the parties are kept open.

(c) Writ Petition stands disposed of accordingly.

(d) No order as to costs.

[RIYAZ I. CHAGLA, J.]

[K.K.TATED, J.]