

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2210 OF 2018

Mr.Vinod Tayade, for the Petitioner.
Mr.P.G. Sawant, AGP for State-Respondent No.1.
Mr.Ranjit Patil i/by Mr.Pankaj Deokar for Respondent No.5.

DATE : 28th SEPTEMBER, 2021

- 1] Heard learned counsel for the Petitioner.
- 2] The Petitioner stood retired from the services of Zilha Parishad on superannuation on 30.09.2001.
- 3] The grievance of the Petitioner is though he was entitled to pension and all other retiral benefits immediately after his retirement, however, they were paid in the year 2007-2008 without interest. Further grievance of the Petitioner is that due to departmental inquiry, he was not promoted to the post of Deputy Engineer. It is stated after exoneration in departmental inquiry he requested the respondents to

grant him deemed date of promotion and consequential benefits, however, there is no response from respondent No.2 to the said request of the Petitioner.

4] Learned counsel for the Petitioner invited our attention to the communication placed on record dated 02.02.2016 at Exhibit H and submitted that the Chief Executive Officer, Zilla Parishad, Pune forwarded a proposal to the Deputy Commissioner (Establishment), Pune Division, Pune, with a reference to the amount to which the Petitioner is entitled to under various heads such as gratuity, leave encashment, group insurance etc. It is stated in the said letter that the Petitioner is entitled to receive an amount of Rs.3,29,943/- as an amount of interest for delayed payment. It is submitted the proposal is forwarded to the Office of Deputy Commissioner for grant of approval for releasing the amount referred to in communication dated 02.02.2016.

5] Learned counsel for the Petitioner submitted that in the Affidavit-in-Reply filed on behalf of Respondent Nos.5 to 7 through Mr. Yuvraj Anna Desai, Executive Engineer, Zilha Parishad, Pune, it is stated in Para 9 that the total amount of interest on delayed payment is Rs.3,29,943/- and to pay the said amount, Zilha Parishad, Pune has sent letters dated 22.06.2017, 15.12.2017 and 04.03.2021 to the Desk Officer, Rural Development Department, demanding grant of Rs.3,29,943/-, but till today, Zilha Parishad, Pune has not received any grant for payment of interest.

6] Learned counsel for the Petitioner further submitted that though the amount of interest for delayed payment was to the tune of

Rs.3,29,943/- upto the year 2016, in the communication dated 04.03.2021 the Authorities failed to consider that after 2016 till date the amount of interest for delayed payment would certainly more than the amount of Rs.3,29,943/-.

7] Learned counsel for the Petitioner further submitted that the Petitioner be, therefore, permitted to file additional fresh representation with all details in respect of his grievance.

8] In view of the submissions of the learned counsel for the Petitioner, we deem it appropriate to dispose of the Petition in following terms :

i] Petitioner is granted liberty to submit an additional representation to Respondent No.5-Chief Executive Officer, Zilla Parishad Pune, within two weeks from today.

ii] Upon receipt of additional representation, Respondent No.5 shall submit necessary proposal to the Respondent No.3 The Divisional Commissioner, Pune Division, Pune within four weeks.

iii] Upon receipt of the proposal from Respondent No.5, respondent No.3 shall take necessary decision on it as expeditiously as possible, but not later than 8 weeks.

iv] Writ Petition stands disposed accordingly.

[N.R.BORKAR, J]

[PRASANNA B. VARALE, J]