

Trusha T.
Mohite

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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.12087 OF 2019

Anand Genu Shirke

.. Petitioner

vs.

Municipal Corporation of Greater
Mumbai and Ors.

.. Respondents

.....

Ms.Anjali Neel Helekar a/w Ms.Anu C. Kaladharan for the
Petitioner

Mr.Santosh Parad i/b Ms.Aruna Savla for the MCGM

.....

**CORAM: K.K.TATED &
R.I.CHAGLA, JJ.
DATED : FEBRUARY 11, 2021**

P.C.

. Heard.

2. By this petition, under Article 226 of the Constitution of India, Petitioner is seeking direction against the Respondents to release his retirement benefits immediately.

3. During the course of argument, the learned Counsel for the Petitioner submits that Petitioner prepared additional affidavit dated 05.02.2021 stating that this court be pleased to direct Respondent no.2 to decide his application dated 21.09.2017, an application which is given

to exercise power under Rule 15 (b)(1) of Brihanmumbai Municipal Corporation Pension Rules, 1953. The said additional affidavit dated 05.02.2021 is taken on record.

4. The learned Counsel for the Petitioner submits that if this direction is given to the Respondent Corporation then she received instruction to withdraw the Writ Petition. To that effect, she has given in writing.

5. Considering the submissions made by the learned Counsel for the Petitioner and additional affidavit 05.02.2021, following order is passed:

a. Respondent no.2 is directed to decide Petitioner's application dated 21.09.2017 and application if any, filed by him within two weeks from today for applying Rule 15 (b) (1) of Brihanmumbai Municipal Corporation Pension Rules, 1953 to decide on its own merits as early as possible but in any case, on or before 30.04.2021.

b. All contention of both the parties are kept open.

c. Writ Petition stands disposed of as withdrawn.

d. No order as to costs.

(R.I.CHAGLA, J.)

(K.K.TATED, J.)