**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

904 **WRIT PETITION NO.241 OF 2021**

DR.BHAGWAT SOPANRAO NAIKWADE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
...

Mr.J.M. Murkute, the advocate for the petitioner
Mr.P.K. Lakhotiya, A.G.P. for respondent no.1.
Mr.A.B. Dube, advocate for respondent nos.2 and 3.
...

CORAM : RAVINDRA V. GHUGE & S.G.DIGE, JJ.

DATE : 08.04.2022

P.C. :

1. Leave to add the Accountant General, Nagpur as respondent no.1. Addition be carried out forthwith.

2. Since the Accountant General office is a formal party, notice is not issued.

3. On 10th February, 2022, we had passed the following order :-

> "1. Learned counsel for the petitioner, on instructions, submitted that, necessary documents from the concerned department of respondent No.1 have been forwarded to respondent No.2. He further submitted that, the amount under the

heads of Leave Encashment and Pension for the period from 16.06.2008 to 16.02.2013 has also been remitted to respondent No.2 by the concerned department of respondent No.1. He submitted that in view thereof, there should not be any impediment to process the pension file of the petitioner.

2. Learned counsel appearing for respondent No.2 seeks time to take instructions in that behalf.

At her request, stand over to 24.02.2022."

4. Respondent no.1 has filed an affidavit in reply through the Regional Joint Commissioner of Animal Husbandry, Aurangabad, Dist. Aurangabad.

5. Upon perusing the said affidavit in reply, we are convinced that the grievance of the petitioner would be redressed. For the sake of brevity, the contents of paragraph nos.4 to 8 are reproduced as under :-

> "4. I say and submit that, Government of Maharashtra in Urban Development Department has accorded sanction to permanent absorption of Petitioner in Municipal Corporation, Aurangabad vide Government Resolution no. OMP-2010/283/C.R. 91/ UD-14, dated 16th May, 2013. This sanction had been

accorded following the guidelines stated in the Resolution of Urban Development Department no.PEN-1080/C.R.210/SER-4 dated 28th April, 1981. The copies of GR dated 16.05.2013 and 28.04.1981 are annexed herewith and marked as **EXHIBIT R-1 colly.**

5. I humbly say and submit that, the Petitioner was regularly working under Commissionerate of Animal Husbandry from 04.06.1990 to 16.05.2013. He was placed at District Veterinary Polyclinic, Aurangabad, under the office of District Deputy Commissioner Animal Husbandry, Aurangabad before his deputation to Municipal Corporation, Aurangabad.

6. I say and submit that, accordingly, office of Commissioner Animal Husbandry, Maharashtra State, Pune has instructed the District Deputy Commissioner Animal Husbandry, Aurangabad vide letter no. file no.70/354/2021 AH-5, dated 05.04.2022 for calculation of retirement benefits, their subsequent drawl and disbursement of the same to the office of Respondent No.2. The copy of letter dated 05.04.2022 is annexed herewith and marked as **EXHIBIT R-2.**

7. I say and submit that, accordingly present deponent office vide its letter dated 07.04.2022 communicated to the Additional Commissioner of Animal Husbandry, Commissioner Office, Pune, thereby intimating them that, the deponent office has

> already asked the service book of the petitioner from the respondent nos.2 and 3 Municipal Corporation, Aurangabad. So as to calculate and thereafter forward the pension proposal of the petitioner from his initially date of appointment till his of deputation dated i.e. 10.06.2008 and to forward the pension proposal including leave encashment group insurance scheme amount to the Accountant General, Nagpur office.
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> 8. I further say and submit that, deponent office will require at list 6 month to complete the entire procedure of preparation and forwarded to the Nagpur A.G. Office and this will be done as expeditiously as possible."

6. The learned advocate for the petitioner submits that though the petitioner is satisfied, he has two fold requests. Firstly that six months would be a too long a period and he prays that the entire process be concluded within four months. Secondly, he refers to the rules to contend that delayed payment of pension attracts 10% interest per annum.

7. Considering the above, this petition is disposed off, in the light of the affidavit in reply.

8. In so far as the request of respondent no.1 to

conclude the entire procedure in six months is concerned, we are of the view that as the petitioner’s pension has been delayed, we grant three months for preparation of the proposal so as to be forwarded to the office of the Accountant General at Nagpur. The Accountant General, Nagpur shall scrutinise the papers and shall accord approval for pension within six weeks thereafter.

9. If the petitioner is entitled for interest, the concerned authorities would consider the said aspect for calculating the interest, which would be payable along with the arrears.

10. Needless to state, the arrears shall be paid on or before 15th September, 2022.

(S.G.DIGE, J.) **(RAVINDRA V. GHUGE, J.)**

SGA