

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

WRIT PETITION NO.720 OF 2021

Ishwarlal S/o Shivramji Rane, Surji Anjangaon, Tah. Anjangaon Surji, Dist. Amravati
-vs-

State of Maharashtra, Dept. of Urban Development, Thr. Secretary, Mumbai and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri Krishna S. Motwani, Advocate for petitioner.
Shri A. M. Deshpande, Additional Government Pleader for respondent
Nos.1 to 4.
Shri Pradeep Mahalle, Advocate for respondent No.5.

CORAM : A. S. CHANDURKAR AND G. A. SANAP, JJ.

DATE : February 16, 2022

P. C.

Rule. Rule made returnable forthwith and heard learned counsel for the parties.

The petitioner was serving with Municipal Council, Anjangaon Surji as a Class-IV employee. He sought voluntary retirement with effect from 31/12/2019 and was thereafter permitted to retire from service.

The petitioner seeks retirement benefits especially those that are admissible as per recommendations of 7th Pay Commission. The petitioner also seeks commutation of pension amount to be paid by the Municipal Council.

Reply has been filed by the Municipal Council in which it has been stated that arrears payable as per recommendations of 7th Pay Commission are Rs.2,13,632/-. Total arrears payable are Rs.4,72,231/-. On account of

financial constraints it would not be possible to pay the entire amount at once. Reference is made to the Government Resolution dated 02/08/2019 in which such arrears are directed to be paid in five annual instalments starting from the year 2019-2020. As regards the commutation of pension, it has been stated that the petitioner has not applied for the same in the prescribed form. He is required to do so as prescribed under Maharashtra Civil Services (Commutation of Pension) Rules, 1984.

Considering the aforesaid submissions, the following directions would meet the ends of justice :

- (i) The amount of arrears admissible as per recommendations of 7th Pay Commission shall be paid to the petitioner in accordance with Government Resolution dated 02/08/2019. In other words, the same shall be paid in five annual instalments starting from year 2019-2020. The amounts already paid shall be taken into consideration while paying the arrears.
- (ii) If the petitioner seeks commutation of pension, he shall take necessary steps as required under Maharashtra Civil Services (Commutation of Pension) Rules, 1984. If the petitioner applies in the prescribed format and he is found eligible to receive such amount, the same shall be paid to the petitioner as per said Rules within a period of one year from he being found entitled to receive such amount.

With these directions, the writ petition is allowed and disposed of. Rule accordingly. No costs.

(G. A. Sanap, J.)

(A. S. Chandurkar, J.)