

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR
WRIT PETITION NO.1749/2021

Shri Sunil s/o Sakharam Meshram,
aged about 71 years, Occ. Retired Chief
Fire Officer, Nagpur Municipal Corporation
r/o A-101 Rachana Shrushti Apartment,
K. T. Nagar, Katol Road, Nagpur.**PETITIONER**

...V E R S U S...

1. Nagpur Municipal Corporation,
through its Municipal Commissioner,
having its office at Mahanagar Palika Marg
Near Vidhan Bhavan, Civil Lines, Nagpur.
2. The Chief Fire Officer,
Fire Service Department, Nagpur
Municipal Corporation, having its Office
at Mahanagar Palika Marg Near Vidhan
Bhavan, Civil Lines, Nagpur.
3. The Chief Accounts Office,
Nagpur Municipal Corporation, having
its office at Mahanagar Palika Marg,
Near Vidhan Bhavan, Civil Lines, Nagpur ...**RESPONDENTS**

Mr. A. M. Sudame, Advocate for petitioner.
Mr. S. N. Bhattad, Advocate for respondents.

CORAM:- ROHIT B. DEO &
ANIL L. PANSARE, JJ.
DATED :- 26.08.2022

ORAL JUDGMENT (Per: Anil L. Pansare, J.)

1. Rule. Rule is made returnable forthwith. Heard finally
by consent of learned counsel for the parties.
2. The petitioner, who was posted as Chief Fire Officer
with respondent no.1-Nagpur Municipal Corporation (NMC), has

retired on superannuation in the year 2008. He is seeking a direction to the respondent-NMC, to pay monthly pension on the basis of last pay drawn by him. The respondent-NMC has not processed the pension case on the ground that the approval to initiate the departmental inquiry against the petitioner is pending before the State Government. The approval is not yet received.

3. The law is well settled on the point that post retirement, the departmental proceedings cannot be initiated. Admittedly, the petitioner stood retired in the year 2008. In the circumstances, even if the approval to initiate departmental inquiry is granted, the inquiry cannot be initiated against the petitioner. Mr. Bhattad, learned counsel for the respondent no.1 was unable to show any provision under the law that enables respondent no.1 to initiate such inquiry post retirement.

4. In that view of the matter, we do not find any substance in the submission of the respondents that the approval seeking sanction to commence the departmental inquiry is pending with the State Government.

5. The petitioner has made out a case in his favour. We accordingly direct the respondent no.1-NMC to forthwith process

the pension case of the petitioner and pay monthly pension as well as amount of gratuity and leave encashment, as is permissible under the provisions of prevailing pension rules. In addition, the respondents shall pay interest to the petitioner, in accordance with Rule 129-A and 129-B of the Maharashtra Civil Services (Pension), Rules, 1982.

Rule is made absolute in the above terms. No order as to costs.

(Anil L. Pansare, J.)

(Rohit B. Deo, J.)

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