

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (W) NO. 929 OF 2022
WITH WRIT PETITION NO. 483 OF 2022

Prabhakar s/o Bhagwanji Raut & Ors. -- Petitioner/s

Vs.

Western Coalfields Ltd. & Ors. -- Respondent/s

Mr. P.D. Meghe, Advocate for the Petitioners.

Mr. O.A. Ghare, Advocate for the Respondents.

CORAM : NITIN JAMDAR &
ANIL L. PANSARE, JJ.

DATE : 26 APRIL 2022.

P. C. :

The petition was filed by the Petitioners seeking appointment of Petitioner No.3 on compassionate basis. The Petitioner No.1 also sought to be examined in furtherance of his claim that he was unfit for performing his duties during the employment. In the meanwhile, Petitioner No.1 has crossed the age of superannuation.

2. The learned Counsel for the Petitioners submits that instead of pursuing the matter as regards the appointment of Petitioner No.3 on compassionate basis, Petitioner No.1, by way of an amendment intends to seek pensionary benefits.

3. In normal circumstances, we would have directed Petitioner No.1 to file an independent petition as it is a different cause of action, however, considering the fact that it has been projected before us that Petitioner No.1 is bed-ridden, we permit the amendment, and allow the Civil Application accordingly. Amendment to be carried out accordingly.

4. The learned Counsel for the Petitioners pressed only the amended prayer for release of the pensionary benefits.

5. From the reply-affidavit, it is not disputed that Petitioner No.1 was the employee of the Respondents, and if Petitioner No.1 is entitled to the pensionary benefits as per law, they will have to release the same. It would not be necessary to seek such specific prayer, as it is the duty of the Respondents to release the pensionary benefits as per law. Learned Counsel for the Respondents states that nothing is stated in the amendment application that the pensionary benefits have been withheld. That being the position, there is no warrant for us to presume that the Respondents will not release the pensionary benefits to Petitioner No.1, if Petitioner No.1 is entitled for the same.

6. However, considering the fact that Petitioner No.1 is suffering from illness, we direct the Respondents to process the pension papers of Petitioner No.1 and release the pensionary benefits to Petitioner No.1 as per law within a period of four

months from today if there is no legal impediment. If there is an impediment, Petitioner No.1 be informed accordingly.

7. The Writ Petition is disposed of in above terms.

[ANIL L. PANSARE, J.]

[NITIN JAMDAR, J.]