

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

**WRIT PETITION NO.3688/2021**

Sayyad Abdul Salam s/o Sayyed Abdul ... Petitioner  
Hakim

Versus

The Chief Executive Office, Nagar ... Respondents  
Parishad, Warora, Dist. Chandrapur.

Ms Anushree Pande, Advocate for petitioner

Mr. M. I. Dhatrak, Advocate for respondent no.1.

Mr. K. L. Dharmadhikari, A.G.P for respondent nos.2 to 5

**CORAM : ROHIT B.DEO & ANIL L. PANSARE, JJ.**  
**DATE : AUGUST 26, 2022.**

**P.C.**

The petitioner has put forth following prayers:

“(i) Direct the respondents to release the pension and the pensionary benefits to the petitioner after retirement as he has successfully completed 28 years tenure of his service.

(ii) Award the interest @ of 10% per annum on the amount of delayed pension as per Rule 129B of the Maharashtra Civil Services (Pension) Rules, 1982.”

2. We have considered the rival submissions. The pensionary benefits have been denied to the petitioner on the ground that objection has been taken by the Deputy Chief Auditor, Local Audit Fund, Nagpur that when the petitioner was appointed, he had crossed the upper age limit and was over qualified.

3. This objection has admittedly been taken post retirement of the petitioner which, in our considered opinion, ought not to have been and could not have been taken, the petitioner having rendered 28 years of unblemished service.

4. We do not therefore agree with the stand taken by the respondents to deny the pensionary benefits which the petitioner is otherwise entitled to. Hence, we direct the respondents to release pension and pensionary benefits to the petitioner with effect from 31.08.2015 along with interest, as permissible in accordance with Rule 129-A and 129-B of the Maharashtra Civil Services (Pension) Rules, 1982.

With the above directions, the writ petition is disposed of. No order as to costs.

**(Anil L. Pansare, J.)**

**(Rohit B. Deo, J.)**

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