



(1)

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

902 WRIT PETITION NO. 10889 OF 2023

**PRABHA DATTATRAYA VADANE
VERSUS
THE STATE OF MAHARASHTRA THROUGH CHIEF
SECRETARY AND OTHERS**

....

Mr N. L. Jadhav, Advocate for Petitioner;
Mr P. S. Patil, A.G.P. for Respondent Nos.1 to 6

**CORAM : RAVINDRA V. GHUGE
AND
Y. G. KHOBRAGADE, JJ.**

DATE : 21st December, 2023

PER COURT:

1. On 04/09/2023, we had passed the following order :-

"1. The Petitioners have put forth prayer clauses [C] and [D] as under:-

"[C] The impugned communication dated 23.8.2022 issued by the Senior Accounts Officer, Nagpur and letter dated 27.01.2024 issued by Deputy Director of Education, Latur Division, Latur, may kindly be quashed and set aside.

[D] It may hold and declare that the petitioner is entitled for grant of Old Pension Scheme and it be directed to the respondents to sanction old pension, with arrears and release the same, within three months or as directed by this Hon'ble Court."

2. *The learned Advocate for the Petitioner submits that this case is covered by the judgment of this Court*

(2)

delivered at the Principal Seat dated 07.09.2021 in Writ Petition No.2538 of 2021 (Purushottam Harishchandra Shirsekar and another Vs. The State of Maharashtra and others).

3. *Issue notice to the Respondents, returnable on 03.10.2023.*

4. *The learned AGP waives service of notice on behalf of Respondent Nos. 1 to 6.*

5. *Liberty to serve Respondent No.7 by private permissible modes of service.”*

2. Respondent No.5/ Assistant Accounts Officer, Court Case Cell, Office of the Principal Accountant General (A & E)-II, Maharashtra, Nagpur, Shri. Dharmendra Kumar Kumawat has filed the affidavit-in-reply, dated 26/10/2023. The learned Advocate for the Petitioner submits on instructions that this Writ Petition can be disposed off in the light of paragraph No.1 of the said affidavit-in-reply and by considering the interest component.

3. The learned A.G.P. submits that statutory payments are at issue and the Court may pass an appropriate order.

4. Paragraph No.1 of the affidavit-in-reply of Respondent No.5 reads thus :-

(3)

“1. It is submitted that pension case of the petitioner has been reviewed and on re-examination in terms of the order dated 23.06.2022 passed by this Hon'ble Court in Writ Petition No.5463/2021 and the pension proposal furnished by the department vide letter dated 09.09.2019 and 16.09.2022, this respondent office comes to conclusion that the petitioner Smt. Prabha D/o Dattatraya Vadane is entitled for the Pension and accordingly the Pension Payment Order, duly revalidated Gratuity Payment Order and Commutation Payment Order issued vide this office letter dated 20.10.2023. The copies of the Pension Payment order, Gratuity Payment Order and Commutation Payment Order dated 14.10.2019 are annexed herewith and marked as EXHIBIT-"A".”

5. In view of the above, **this Writ Petition is disposed off.** Needless to state, since the statutory payments are at issue, the Authorities concerned would be duty bound to calculate the interest component as permissible in the Statutes with regard to the said payments and disburse the said amount. The interest on the commutation payment would be calculated from the date the commutation occurred.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

sjk