



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

WRIT PETITION NO. 2235 OF 2023

(Mukunda Shambhuji Shende Vs. State of Maharashtra & Ors.)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri N.R. Saboo, Advocate for the petitioner.

Ms N.P. Mehta, Assistant Government Pleader for respondent nos. 1 and 2.

CORAM : A. S. CHANDURKAR AND MRS. VRUSHALI V. JOSHI, JJ.

DATE : AUGUST 23, 2023

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

2] Despite service, there is no appearance on behalf of respondent no.3.

3] The petitioner seeks redressal of two fold grievances. It is firstly the case of the petitioner that the period of service rendered by the petitioner of 9 years 6 months falls short by six months to enable the petitioner to receive pensionary benefits. According to the petitioner, such deficiency can be condoned under Rule 54 of the Maharashtra Civil Services (Pension) Rules, 1982. In that regard, the Deputy Collector has forwarded a proposal to the Under Secretary – respondent no.1 on 5/2/2018. The petitioner seeks consideration of the said request for condoning the deficiency of six months.

4] The other grievance pertains to receipt of pensionary benefits from the Zilla Parishad. In that regard, the petitioner has made a representation dated 21/1/2019 followed by a subsequent representation dated 9/6/2020. These representations are stated to be pending.

5] In the aforesaid facts, the following order would serve the ends of justice :

ORDER

i] Respondent no.1 to consider the communication dated 5/2/2018 forwarded by the Deputy Collector in the matter of condoning the shortfall of service of the petitioner to enable the petitioner to receive the pensionary benefits. The same be done within a period of eight weeks of receiving copy of the order.

ii] The Chief Executive Officer, Zilla Parishad, Bhandara to consider the petitioner's representations dated 21/1/2019 and 9/6/2020 in the matter of release of pensionary benefits. Similar decision be taken within a period of eight weeks of receiving copy of the order. The decision taken be communicated to the petitioner.

iii] Rule is disposed of in the aforesaid terms. No costs.

(MRS. VRUSHALI V. JOSHI, J.)

(A. S. CHANDURKAR, J.)

SUMIT