

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

Misc. Civil Application (Review) No. 679 of 2019
in

Writ Petition No. 5325 of 2016 (D)

[Sheikh Nasar S/o Sheikh Chand ..vs.. State of Maharashtra, through Chief Secretary, Higher and
Technical Education Department and ors.]

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

Court's or Judge's orders

Mr. I. G. Meshram, Advocate for the applicant/petitioner
Mrs. K. R. Deshpande, A.G.P for the respondents 1 to 3
Mr. K. S. Narwade, Advocate for respondent 4

CORAM : ROHIT B. DEO AND
MRS. VRUSHALI V. JOSHI, JJ.

DATED : 15-3-2023

Petitioner is seeking review of the order dated
10-3-2017 in Writ Petition 5325/2016.

2. The order dated 10-3-2017 records that the fact that the petitioner has received pension and gratuity is not in dispute. It is further recorded that the payment of pension and gratuity is delayed, and therefore, interest in terms of Rules 129(a) and 129(b) of the Maharashtra Civil Services (Pension) Rules, 1982 is payable. The order under review directs the respondents to pass appropriate order in relation to the entitlement of the petitioner to interest.

3. While the order dated 10-3-2017 was passed in the presence of learned counsel for the parties and after

hearing the learned counsel, it is submitted in the review application that the observation that the petitioner has received the pension and gratuity is factually incorrect. It is submitted that the petitioner was sanctioned and granted pension at two third rate, and as on the date of the order dated 10-3-2017, the petitioner was not aware that the pension fell short of his entitlement in law.

4. We are not inclined to entertain the review application. It would be more appropriate, if the petitioner files a substantive petition questioning the quantum of pension, and we permit the petitioner to do so.

5. Review application is dismissed, with liberty to the petitioner to prefer independent and substantive petition questioning the quantum of pension sanctioned.

(Mrs. Vrushali V. Joshi, J.)

(Rohit B. Deo, J.)

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