

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

CIVIL APPLICATION (W) NO. 1323 OF 2023
IN WRIT PETITION NO. 1602 OF 2023

(Shankar s/o Thawaraji Dongare Vs. The 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.S. Khubalkar, Advocate for the applicant/ petitioner.
Shri A.M. Deshpande, in-charge Government Pleader for the respondents/ State.

CORAM : A. S. CHANDURKAR AND M.W. CHANDWANI, JJ.

DATE : MAY 3, 2023

For the reasons stated in the application, prayer is granted. Necessary steps be taken within a period of one week from today.

2] The Civil Application is disposed of.

Writ Petition No. 1602/2023

3] The learned in-charge Government Pleader for the respondents seeks time to file affidavit-in-reply.

4] The learned Counsel for the petitioner submits that by communication dated 1/2/2023, the provisional pension that was paid to the petitioner from 1/12/2020 to 30/11/2022 has now been discontinued. The reason stated in the said communication is that provisional pension cannot be continued to be paid for period exceeding two years.

5] *Prima facie*, on perusal of Rule 130 of the Maharashtra Civil Services (Pension) Rules, 1982, we do not find that on expiry of period of two years when departmental proceedings are pending, provisional pension can be discontinued.

6] Hence, while granting time to the respondents to file affidavit-in-reply, it is directed that the petitioner shall continue to be paid provisional pension as before till the next date of the proceedings.

7] Stand over to 16/6/2023.

(M.W. CHANDWANI, J.)

(A. S. CHANDURKAR, J.)

SUMIT