

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

WRIT PETITION NO.3741 OF 2021

Gopal s/o Dinkarrao Deshmukh, Beshmukhpura, Borgaon Manju, Akola

-VS-

Maharashtra Jeevan Pradhikaran, Express Towers, Nariman Point, Mumbai, Thr.
Member/Secretary and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri P. D. Meghe, Advocate for petitioner.

Shri D. V. Mahajan, Advocate for respondent Nos.1, 2, 4 and 5.

Shri A. A. Madiwale, Assistant Government Pleader for respondent No.6.

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

DATE : April 18, 2023

P. C.

1. Rule. Rule made returnable forthwith and heard the learned counsel for the parties.

2. On 03/04/2023, the following order was passed :

“ It is submitted by the learned counsel for the petitioner that similar issue has been considered and decided in Writ Petition No.1858/2020 (Gangadhar S/o Kisan Gavatre vs. Maharashtra Jeevan Pradhikaran, Mumbai and ors.)

2. To consider this aspect, papers of the aforesaid writ petition be produced and kept with the present writ petition for perusal.

3. Stand over 18.04.2023.”

3. We have perused the papers in Writ Petition 1858/2020 and we find that the present petitioner is similarly situated as the petitioner in Writ Petition No.1858/2020 except the fact that the present petitioner was junior in service to the petitioner in Writ Petition No.1858/2020.

4. In the reply filed by the respondents, a similar stand has been taken that the requisite examination was cleared by the petitioner in the year 2004.

3. Since we find that in similar facts, a co-ordinate Bench has granted relief in Writ Petition No.1858/2020, for the reasons stated therein, the impugned communication dated 15/06/2021 is set aside. It is directed that the petitioner shall be paid his pensionary benefits along with arrears with interest at the rate of 6% per annum.

4. The necessary payment be made within a period of three months.

5. The Writ Petition is disposed of. Rule accordingly. No order as to costs.

(M. W. Chandwani, J.)

(A. S. Chandurkar, J.)

Asmita