



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

905 WRIT PETITION NO. 340 OF 2024

SURESH GOVINDRAO KULKARNI
VERSUS
STATE OF MAHARASHTRA THROUGH PRINCIPAL SECRETARY AND OTHERS

.....
Advocate for the Petitioner : Mr. Natu Sharad V.
AGP for Respondents: Ms. Neha Kamble
Advocate for R/2 : Mr. R.K. Ingole
.....

CORAM : RAVINDRA V. GHUGE &
Y.G. KHOBRAGADE, JJ.
DATE : 8th August, 2024

PC. :-

1. The Petitioner has put-forth prayer clause-B which reads as under:

“B. Rule may kindly be made absolute and by issuing appropriate writ or direction in the like nature, respondent no.2 and 3 be directed to revise the pension of petitioner by giving benefit of ACPS (as accepted by letter dtd.31.05.2023) and pay the arrears of pension to the petitioner within a period of 60 days with an interest @ 7@ p.a.”
2. We have heard the learned advocates for the respective sides and perused the petition paper book with their assistance.
3. Considering the order that we are passing, we are not required to advert to the entire submissions of the learned advocates. Suffice it to say, that the office note dated 30.06.2023, would indicate that a proposal with regard to

the present Petitioner is pending and the Municipal Corporation has to take a decision on the same. The issue whether the Petitioner would be entitled for the ACPS benefits would be dealt with. The learned advocate for the Petitioner submits that the Petitioner is left lurking in the dark in view of there being no final decision taken by the Municipal Corporation.

4. The learned advocate for the Petitioner submits that the Municipal Corporation should take some decision on the office note and if a decision is arrived at, whether it is favourable or adverse to the Petitioner, the same may be communicated to the Petitioner on the address mentioned in the title clause of the Petition.

5. In view of the above, **this Writ Petition is disposed off.** Let the Corporation take the said internal communication dated 30.06.2023, to a logical end within a period of 60 days. The learned advocate for the Petitioner would render wholehearted co-operation, and should participate in the hearing, if he is called upon to express his view on his claim of ACPS benefits. After the decision is arrived at by the Corporation, the same would be communicated to the Petitioner within 10 days from the date of the decision.

6. If the decision is favourable to the Petitioner, the necessary payments would be made by the Corporation and the pensionary benefits be

revised. The learned Advocate representing the Corporation submits that time of at least six months may be granted to make the payment. The learned Advocate for the Petitioner submits that the payment should be made within one month. Let this exercise be completed within a period of 60 days.

7. If the decision is adverse to the Petitioner, the same shall be with reasons and such a reasoned order would be served upon the Petitioner within 14 days therefrom. The Petitioner is at liberty to assail the adverse order before the Appropriate Forum, for the redressal of his grievance.

[Y.G. KHOBRADE, J.]

[RAVINDRA V. GHUGE, J.]