



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

913 WRIT PETITION NO. 5763 OF 2024

BHASKAR BHAIIDAS PATIL

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
AND OTHERS

...

Mr. Majit Shaikh h/for Mr. Sachin S. Deshmukh, Advocate for the
Petitioner

Mr. M. M. Nerlikar, AGP for Respondents State

CORAM : RAVINDRA V. GHUGE &
Y. G. KHOBRAGADE, JJ.

DATE : 11th July, 2024

ORDER:

1. On 19th June, 2024, we had passed the following order:

"1. We have heard the learned advocates for the respective sides and perused the record. The Petitioner has retired in 2007, which is almost 17 years ago. He is 75 years of age. Issue is as regards revised pension which is approved by the Assistant Accountant General, Mumbai @ Rs. 8340/- per month, w.e.f. 01.04.2010.

2. It appears that the Petitioner is demanding revised pension from the date of his retirement 01.12.2007. However, the revised pensionary benefits are granted from 01.04.2010. The learned advocate for the Petitioner submits that in so far as releasing of the revised pension w.e.f. 01.04.2010, the Petitioner is willing to accept the same and for his grievance that it should be payable from 01.12.2007 onwards, he would approach the learned Maharashtra Administrative Tribunal for seeking adjudication on the said claim, in the light of Section 3(q) read with Section 15 (1) of the Administrative Tribunals Act.

3. Considering the above, we request the learned AGP to take instructions from Respondent No.3 as regards releasing of the revised pension w.e.f. 01.04.2010 in the light of the order passed by the second Respondent - Accountant General.

4. List this petition on 04.07.2024 for urgent orders. This would be listed in the fresh admissions category. "

2. This matter was kept alive before us only because the learned AGP wanted to take instructions as regards releasing of revised pension w.e.f. 01.04.2010, as recorded in paragraph 2 of the above reproduced order. Disputed issue with regard to the claim of the Petitioner to the revised pension w.e.f. 01.12.2007, was to be carried by the Petitioner to the learned Maharashtra Administrative Tribunal.

3. The learned AGP has placed on record a compilation of documents (58 pages). The same is collectively marked as 'X' for identification.

4. The learned AGP submits, in the light of the compilation of documents, that certain dues payable to the Petitioner have already been paid and the statement appears on page No.2 of the communication dated 24.06.2024 (pages 1 & 2), made to the learned AGP by the District Treasury Officer, Dhule. The amounts like

Rs.31,979/-, Rs. 1,68,472/-, Rs.34,378/- and Rs.5,138/-, have been paid to the Petitioner in view of the revised pay scale.

5. The grievance of the Petitioner is not redressed since the petitioner desires that the revised pay-scale should be made applicable from 01.12.2007. So also, the payments made are disputed. These issues, being contentious, will have to be dealt with by the Learned Tribunal in view of the provisions of the Administrative Tribunals Act.

6. In view of the above, **this Writ Petition is disposed off** with liberty to the Petitioner to approach the learned Maharashtra Administrative Tribunal.

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)

JPChavan