

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO. 8046 OF 2022

Shri Siddheshwar Digamber Kore. ... Petitioner.
V/s.
Chief Executive Officer, Zilla Parishad,
Solapure. ... Respondent.

Mr.Om M. Lonkar i/b. Ms.Advaita M. Lonkar for the Petitioner.
Mr.Anand S. Kulkarni for the Respondent.

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**CORAM : NITIN JAMDAR, AND
M.M. SATHAYE, JJ.**

DATE : 7 March 2024.

P.C. :

Heard the learned counsel for the parties.

2. It is after passing various orders and calling upon the Chief Executive Officer to file an affidavit showing the reasons for withholding the pensionary benefits of the Petitioner that an affidavit dated 6 March 2024 is tendered today. We have perused the affidavit and the stand taken by the Zilla Parishad. No specific Rule has been pointed out to us.

3. Be that as it may, the Respondent- Zilla Parishad has now taken a stand that it is ready to sanction monthly pension to the

Petitioner, but reference is made to the affidavit of the Petitioner that if any dues are found then the same can be recovered. We have perused the said affidavit. It is an affidavit filed on 18 June 2021 almost six years after the Petitioner had retired when the Petitioner was without any pensionary dues. This affidavit does not mean that any amount whatsoever decided by the Zilla Parishad even though the Zilla Parishad has no legal authority to do so is allowed to be deducted. Such a deduction can only be made if there is a power or authority vested in the Zilla Parishad to recover or adjust the amount from the pension. Zilla Parishad being a public body cannot coerce a retired employee to permit it to recover any amount illegally.

4. Accordingly, we dispose of the petition directing the Respondent- Zilla Parishad to commence the payment of pensionary benefits to the Petitioner from the month of April 2024 onward. If the Zilla Parishad in law has any right to recover any amount from the pensionary benefits of the Petitioner, then such a right is kept open with liberty to the Petitioner to challenge the action. If the Petitioner has to complete any formalities, the same shall be completed within a period of two weeks. In case the pensionary benefits are not commenced from 1 April 2024 onward, then we permit the Petitioner to revive the claim of grant of interest.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)