

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 18485 OF 2023
IN
WRIT PETITION NO. 1769 OF 2020

Shree Vithal Laxman Bhui ... Applicant

IN THE MATTER OF

Shree Vithal Laxman Bhui ... Petitioner

versus

State of Maharashtra and Others ... Respondents

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Mr.Vishwasrao S. Deokar for the Applicant.

Ms.Ashwini A. Purav for the Respondent -State.

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

DATE : 25 APRIL 2024

P.C. :

. On 27 March 2024, the following order came to be passed :

“1. This Application is taken out in the Writ Petition in which Rule is already issued. Writ Petition pertains to the Petitioner’s claim regarding change of date of birth. Interim relief was refused. Petitioner has retired on superannuation as per the record the Respondents.

2. According to the Petitioner, the pensionary benefits are not been paid even as per the date of birth in the records of the Respondents.

3. Learned counsel for the Petitioner's states that without prejudice to the rights and contentions, based on the date of birth as per the records of the Respondents, the Petitioner's pensionary benefits should be released.

4. Learned AGP seeks time to take instructions.

5. If no cogent reason is given, the Court may proceed to pass an appropriate order by the next date.

6. Stand over to 25 April 2024”.

2. No cogent reason is shown by the learned AGP. No reply affidavit is filed to the interim application. We find no impediment to issue an interim order that the pensionary benefits based on the date of birth as per the record of the Respondents be released.

3. Accordingly, it is directed that the Respondent -State will process and release the pensionary benefits to the Petitioner on the basis of the date of birth as per the record of the Respondent-State without prejudice to rights and contentions of the parties. Respondent No.3 will cooperate with such authorities for completing formalities. The Respondent -State will commence pension as above to the Petitioner from 1 June 2024 onwards. Arrears based on the date of birth as per the record available with the Respondent -State to be paid by 5 August 2024.

4. The interim application is accordingly disposed of.

(M.M.SATHAYE, J.)

(NITIN JAMDAR, J.)