



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

WRIT PETITION NO.1509 OF 2020

Smt. Jyoti w/o Gendraj Thamke, Ashirwad Nagar, Nagpur

-vs-

Union of India, Thr. Secretary, Ministry of Agriculture & Cooperation, New Delhi and ors.

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

Court's or Judge's Orders.

Shri K. J. Khanorkar, Advocate for Petitioner.
Ms Ashwini Athalye, Advocate for respondent No.1.
Shri A. P. Joshi, Advocate for respondent Nos.2 and 3.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : January 10, 2024

Civil Application (CAW) No.1598/2023

1. For the reasons disclosed in the application, the same is allowed and the petition is taken up for hearing.
2. Civil Application is disposed of.

Writ Petition No.1509/2020

3. Heard.
4. The Central Administrative Tribunal while considering entitlement of pension to the petitioner has noticed that the increments which were granted in earlier point of time were illegal and as such for the purpose of calculation of pension accepted recalculation of salary of the petitioner by the respondent-employer after adjusting the increments which are stated to have granted illegally.
5. The Rules, in our opinion contemplate that the pension would be paid to the employee after superannuation based on the last pay drawn. If the respondent intends to reduce the last pay drawn by the petitioner for the purpose of calculation of pensionary benefits, then it has to be based on certain statutory provisions.

Learned counsel for both the parties seek time to place on record relevant Rules for release of pension. Stand over to 07/02/2024.

(Abhay J. Mantri, J.)

(Nitin W. Sambre, J.)