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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (W) NO. 896/2024
IN
WRIT PETITION NO. 1905/2023

Purushottam Thote & another
...VERSUS...
State of Maharashtra & others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Mr. A. Parchure, Advocate for the Applicant/Petitioner(s)
Mr. A.M. Ghagare, AGP for the Respondent/State
Mr. V. Awchat, Advocate for the Respondent No. 5

CORAM :- AVINASH G. GHAROTE &
SMT. M.S. JAWALKAR, JJ.
MAY 09, 2024

(1) The present Application seeks a direction to the Respondents to process the regular pension case of the Petitioner No. 1 and to start paying regular pension by considering his date of retirement as 60 years and so also to release the other terminal benefits.

(2) The present Petition is filed questioning the date of retirement of the Petitioner No. 1, the Petitioners claiming it to be 62 years of age as against the State claiming it to be 60 years. The Petitioner No. 1 has already attained the age of 60 years

and has already stood retired considering that age to be age of retirement. The continuation of the Petitioner No. 1 is only in terms of the order of this Court dated 27/03/2023. The question is yet to be decided.

(3) We, therefore, do not see any impediment in the State processing and releasing the pension papers of the Petitioner No. 1 by treating him to have superannuated on attaining the age of 60 years. The Petitioner No. 2, therefore, shall send a proposal in this regard to the Respondents within a period of one week from today.

(4) Upon receiving the same, the Respondent No. 4 shall act upon the same and ensure that the pension and other retiral benefits of the Petitioner No. 1, considering him to have superannuated at the age of 60 years, shall be calculated and released to the Petitioner No. 1 within a period of eight weeks therefrom. This is without prejudice to the rights of the Petitioner No. 1 as raised in the Petition and in case the Petitioners succeed in the Petition, the calculation then can be directed to be made on the basis of the result of the Petition.

(5) The Civil Application stands **disposed of**. No costs.

(SMT. M.S. JAWALKAR, J.) (AVINASH G. GHAROTE, J.)