



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

WRIT PETITION NO. 222 OF 2024

Dr. Jaiprakash S/o Narayan Zirmire,
Aged 74 years, Occ. Retired,
R/o. Plot No.12, Mhada Colony,
Narendra Nagar, Nagpur-440015. **PETITIONER**

Versus

Municipal Commissioner,
Nagpur Municipal Corporation,
Mahanagar Palika Bhavan, Civil Lines,
Sadar, Nagpur-440001. **RESPONDENT**

Mr. Vipin M. Lute, Advocate for the Petitioner.
Mr. Rohan R. Chhabra, Advocate for the Respondent.

**CORAM : AVINASH G. GHAROTE AND
ABHAY J. MANTRI, JJ.**

DATED : 30th JANUARY, 2025

ORAL JUDGMENT :- (PER : ABHAY J. MANTRI, J.)

Heard.

2. Rule. Rule made returnable forthwith. Heard finally,

with the consent of the learned Counsels, appearing for the rival parties.

3. Mr. Lute, learned Counsel for the Petitioner, submitted that the Petitioner is entitled to benefits as per the Government Resolution dated 22.06.2009. He further canvassed that the issue in the present matter is squarely covered by the judgment in Writ Petition No. 6331/2022 (Rishipalsingh s/o Mukhraj Singh Choudhary Vs. Municipal Commissioner) decided on 05.09.2023. He, therefore, urged that the Petition could be disposed of in view of the observations made in the said judgment.

4. Mr. Chhabra, learned Counsel for the Respondent, disputes the applicability of the Government Resolution dated 22.06.2009 to the applicant. However, he submitted that the issue of the revised pension is covered and settled by the judgment dated 05.09.2023 passed by this Court in Writ Petition No. 6331/2022 so the matter can be disposed of by extending the benefits of the revised pension only.

5. Mr. Lute, learned Counsel for the Petitioner, upon instructions of the Petitioner, who is present in the Court, submitted that he is ready to waive the claim for arrears in respect of prayer clause (g) and (h) of the Petition, which reads thus as under:

“g) to revert the changed grade pay of the petitioner to Rs. 6,600/- (Rupees Six Thousand Six Hundred Only) as it was before the passing of the order dated 19/03/2018 (Annx.D);

h) to direct the respondent authority to pay back the amount of Rs. 49,379/- (Rupees Forty Nine Thousand Three Hundred Seventy-Nine Only) recovered from the monthly pension of the petitioner vide order dated 19/03/2018 (Annx. D);”

6. Accordingly, Mr. Lute, learned Counsel for the Petitioner, urged that in view of what has been held in Writ Petition No. 6331/2022, the present Petition be disposed of.

7. Having considered the same, it appears that the issue in the present case is squarely covered by the decision in Writ Petition No. 6331/2022, and therefore, we deem it appropriate to pass the following order.

ORDER

- i. The Petition is **partly allowed** in terms of what has been held in Writ Petition No.6331/2022, and the directions given therein shall be followed.
 - ii. The Respondent/NMC is directed to pay the Petitioner a revised pension as per Government Resolution dated 22.06.2009 from 01.08.2008 within a period of six weeks from the date of this order. If the aforesaid directions are not complied with, the Respondent would be liable to pay the aforesaid amount with interest @ 18% per annum.
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8. Rule is made absolute in the above terms. No costs.
 9. Pending applications, if any, shall stand disposed of accordingly.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)