



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

WRIT PETITION No.4192 OF 2024

1. Sanjay S/o Ramvilas Dayma,
aged 58 years, Occ. Retired,
R/o Pawansut Nagar,
Ward No.4, Mehkar,
Tq. Mehkar, Dist. Buldhana.
2. Vishnu S/o Bhimrao Mhaske,
aged 61 years, Occ. Retired,
R/o Mahadeo Vetal, Ward No.13,
Mehkar, Tq. Mehkar, Dist. Buldhana. : PETITIONERS

...VERSUS...

The Municipal Council Mehkar,
Through Its Chief Officer, Mehkar,
Tq. Mehkar, Dist. Buldhana - 443301. : RESPONDENT

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Mr. S.P. Palshikar, Advocate for Petitioners.
Mr. K.P. Mahalle, Advocate for Respondent.

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CORAM : SMT. M.S. JAWALKAR AND
NANDESH S. DESHPANDE, JJ.

DATE : 23rd APRIL, 2026.

ORAL JUDGMENT : (Per : NANDESH S. DESHPANDE, J.)

1. Issue notice to the respondent.
2. Mr. Mahalle, leaned counsel waives notice on behalf of
sole respondent.
3. In view of innocuous prayer made in the petition we do

not think it fit to call for any reply from the answering respondent.

4. Rule. Rule made returnable forthwith. Heard finally with the consent of parties.

5. The present petition seeks a direction to the respondent Municipal Council, Mehkar to commute the fraction of pension in accordance with law or in the alternative to give necessary direction to the Municipal Council to decide the case of the petitioners as per Form No.A & B.

6. Facts which are more or less admitted are as under :

The petitioner No.1 entered into the service as a Naka Moharir with the Municipal Council, Mehkar and thereafter in the year 2005 the said post was re-designated as a Clerk. Likewise, the petitioner No.2 entered into the service as a Sipahi with the respondent Municipal Council, Mehkar on 01.09.1988 and he worked on the said post till he attained the age of superannuation i.e. on 2.6.2023. It is stated by the learned counsel for the petitioners that the service conditions of both of the petitioners are governed by the Maharashtra Civil Services Rules. It is their contentions that as per the provisions of the Maharashtra Civil Services (Commutation of Pension) Rules, 1984 both the petitioners have a right to commute fraction of their pension. As can be seen

from the petition that on 17.11.2023, 5.1.2024 and 12.2.2024, the petitioner No.1 made several representations to grant benefit, but there was no reply. Likewise, on 3.5.2023 petitioner No.2 submitted duly filled Form No. A and B to get the benefit of said commutation of pension as per the Rules mentioned supra. It is the contention of the petitioners that in spite of this position, the said representations have not been decided nor duly filled Form as far as petitioner No.2 is concerned has been taken cognizance. The petitioners have therefore, challenged this inaction on the part of the respondent Municipal Council, Mehkar.

7. We have heard Mr. S.P. Palshikar, learned counsel for the petitioner and Mr. K.P. Mahalle, learned counsel for the respondent Municipal Council, Mehkar.

8. Mr. K.P. Mahalle learned counsel for the respondent, on instructions, submits that the representation of petitioner No.1 and Form No.A submitted by the petitioner No.2 would be decided as expeditiously as possible.

9. We, therefore, direct the respondent Municipal Council, Mehkar to decide the representation of the petitioner No.1 dated 17.11.2023 and also act upon the Form No. A submitted by the petitioner Nos.2 on 3.5.2023 in accordance with law and in any

case within four weeks from the date of receipt of the order.

10. With this direction, the petition is allowed in above terms and disposed of as such.

11. Rule is made absolute in above terms. No order as to costs.

(NANDESH S. DESHPANDE, J.)

(SMT. M.S. JAWALKAR, J.)