
(2022) 10 BOM CK 0054

Bombay High Court (Nagpur Bench)

Case No: Writ Petition No. 1600 Of 2020

Noharalal

APPELLANT

Vs

State Of Maharashtra
And Others

RESPONDENT

Date of Decision: Oct. 10, 2022

Citation: (2022) 10 BOM CK 0054

Hon'ble Judges: Sunil B. Shukre, J; Anil L. Pansare, J

Bench: Division Bench

Advocate: S.K.Pardhy, K.L.Dharmadhikari

Final Decision: Allowed

Judgement

Sunil B.Shukre, J

1. Rule. Rule is made returnable forthwith. Heard finally with consent.

2. Mr.S.K.Pardhy, learned counsel for the petitioner submits that under the Maharashtra Civil Services (Pension) Rules, 1982 there is no power

conferred upon the Respondent-State Government to withhold or withdraw the pension and pensionary benefits and, therefore, there cannot be any

denial of pension and pensionary benefits to the petitioner. He also submits that since similar position obtains in the case of Bihar Pension Rules, 1950,

the law laid down by the Hon'ble Supreme Court, in the case of State of Jharkhand and others vs. Jitendra Kumar Srivastava and another,

reported in 2013 (12) SCC 210 squarely applies to this case.

3. Mr. K.L. Dharmadhikari, learned AGP fairly concedes the legal position as explained by the learned counsel for the petitioner.

4. In view of the above, the writ petition is allowed. The respondents are directed to ensure that pension and pensionary benefits as per the entitlement

of the petitioner are made available to the petitioner in accordance with law, at the earliest and, in any case, within four months from the date of

receipt of this order.

5. Rule is made absolute in the above terms. No costs.