

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

WRIT PETITION NO.2900 OF 2007

Indumati Sharnappa Wagdure ... PETITIONER

VERSUS

The State of Maharashtra & others ... RESPONDENTS

.....
Shri V.G. Sakolkar, Advocate for petitioner
Shri G.K. Thigale, A.G.P. for State
.....

CORAM: S.V. GANGAPURWALA AND
A.I.S. CHEEMA, JJ.

DATED: 29th April, 2015.

ORAL ORDER :

1. Mr. Sakolkar, learned counsel for the petitioner submits that, the petitioner was appointed as a Cook on regular pay scale in the year 1991 and was continuously working on the said post till her retirement in the year 2006. The learned counsel submits that the pensionary claim has been wrongly disallowed. The petitioner is entitled for pension. The learned counsel states that the Accounts Officer, Pay & Pension Unit has also affirmed the factum of the petitioner being appointed on the pay scale and also given increments as permissible from time to

time. The teaching and non teaching staff of the Special Schools are also entitled for the pension. Learned counsel submits that training centre is integral part of the special school. As such, the employees engaged in the Training Centre/ Workshop would be entitled for pension.

2. The learned A.G.P. submits that, this Court at Nagpur Bench, in Writ Petition No.210/1998, vide judgment and order dated 5.3.2014, held that persons appointed in Workshop are not entitled for pension so also the Government Resolution dated 1.2.1984 applies only to the teaching and non teaching employees in the Special Schools and to the Hostel of such Special children, but does not deal with the Workshop at all.

3. We have considered the submissions canvassed by learned counsel for respective parties. It is not shown as to how the Government Resolution dated 1.2.1984 would come to the aid of the petitioner as nothing is stated about the Workshop therein. This Court, in Writ Petition No.210/1998, vide judgment and order dated 5.3.2014, has observed that the Special Code shows that workshops envisaged therein are material for imparting vocational training to students who pass out of Special Schools and are adults.

4. Considering the above and the judgment delivered by this Court in Writ Petition No.210/1998, dated 5.3.2014, the prayer of the petitioner cannot be considered. As such, the Writ Petition is disposed of. No costs.

(A.I.S. CHEEMA, J.)

(S.V. GANGAPURWALA, J.)

fmp/wp3862.00