

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

915 WRIT PETITION NO. 5236 OF 2015

MANGALA MALLAPPA SWAMI
VERSUS
STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Vibhute Sunil M.
Mr. SR Yada, AGP for Respondents: 1 to 3;
Mr. Raghvendra Bhise, Adv. h/for Mr. Nattu Sharad V. For
R/4;
Mr. Ramraje A.Deshmukh, Adv. h/for Mr.Thombre S.S. For R/5

**CORAM : S.S.SHINDE &
P.R.BORA,JJ.**

DATE : 11th December, 2015.

PER COURT :

1) Heard. Rule. Rule made returnable forthwith. With the consent of learned Counsel for the parties, the petition is taken up for final disposal at admission stage.

2) By this petition, the petitioner prays that,

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(B) Respondents Nos.4 and 5 may kindly be directed to submit pension proposal of the petitioner to Respondent No. 3 for sanctioning the same and thereupon respondent Nos.2 and 3 may kindly be directed to sanction the pension proposal of the petitioner and respondent No. 2 to 5 may kindly be

directed to forward such sanctioned pension proposal of the petitioner to Accountant General, Nagpur for release of pensionary benefits to the petitioner and respondents may kindly be directed to grant and release other service benefits to the petitioner."

3) For the same reasons which are recorded in para 6 of the Judgment while disposing of Writ Petition No.10441/2015, this petition is allowed in terms of prayer clause (B).

4) Para 6 of the said judgment reads thus,-
 "6. It must be noted that, even otherwise, since the petitioner was appointed in the year 1986, in view of the law laid down by this court in various judgments as well as in the recent judgment of Full Bench in case of Arun s/o Vishwanath Sonone Vs. State of Maharashtra and Ors. - (2015(1) Mh.L.J. 457), the petitioner is entitled to claim service benefits. The issue has become redundant, since the petitioner has already retired on attaining age of superannuation on 31.5.2015. since the petitioner was continued in employment for number of years, she has earned the pension and pensionary benefits, as a matter of

right and such right cannot be denied
to the petitioner, on any count."

5) Rule is accordingly made absolute with no
order as to costs.

(P.R.BORA)
JUDGE

(S.S.SHINDE)
JUDGE

bdv/