

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.782/2014

Manik S/o Kisanrao Vaidya
Age 56 years, Occ-Nil
R/o Dudhgaon,Tq. Jintur
Dist.Parbhani

..PETITIONER

Versus

- 1] The State of Maharashtra
Through the Secretary
Higher Education Department
Mantralaya, Mumbai.
- 2] The Joint Director of Higher Education
Nanded Region, Nanded
- 3] Dnyanupasak Shikshan Mandal
Jintur Road, Parbhani,
Through its President/Secretary
- 4] The Principal
Dnyanupasak Mahavidyalaya
Parbhani.

..RESPONDENTS

...

Mr.A.S.Lomte,Adv. For petitioner

Mr.A.S.Shinde,AGP for R. 1 and 2

Mr.P.L.Kute h/f Mr.V.R.Dhorde,Adv. For R.3 & 4

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**CORAM : S.V.GANGAPURWALA &
V.L.ACHLIYA,JJ.**

DATE : 5th January, 2015.

P.C. :

Mr.Lomte, learned counsel for petitioner submits that the

respondents are not allowing the petitioner to enter into the institution and are not allowing the petitioner to work. According to the learned counsel, mental harassment was caused by the respondents 3 and 4. Even salary is not paid since November 2011. Application is given on 1/1/2013 for voluntary retirement. Thereafter, legal notice was issued on 1/6/2013, however, petitioner is not allowed to work nor there is any order accepting application for voluntary retirement. Respondents be directed to pay salary from November 2011. Petitioner on his own volition never remained absent.

2] The learned counsel for respondents 3 and 4 submits that even notice has been given by the respondents 3 and 4 to the petitioner to submit the documents so that the pension papers can be processed. Even acknowledgment of the said notice i.e. registered post is placed on record. Mr.Kute learned counsel further submits that the petitioner was continuously absent since November 2011 and on 1/1/2013, has submitted an application for voluntary retirement. According to the learned counsel, the petitioner is not entitled for salary since November 2011.

3] There are rival contentions amongst the parties. The contention of the petitioner is that respondents did not allow him to enter into premises after November 2011. Whereas, the contention of the respondents is that the petitioner is absent since November 2011. The fact remains that the petitioner has not performed any duty after November 2011. It would not be possible for this Court to enter into the factual aspect as to whether the petitioner was absent from November 2011 on his own volition or

was prevented from entering the premises by respondent 3 and 4. Further the undisputed fact is that petitioner has already tendered an application for voluntary retirement on 1/1/2013. The respondents as such would be required to consider the case of the petitioner for all the pensionary benefits as would be applicable till 31/12/2012. The respondents in affidavit also have stated that if the petitioner submits documents, they would process the documents for pension.

4] In light of that, we pass following order :

The petitioner shall submit all the relevant documents required for processing the pension papers claiming retiral benefits to the respondents 3 and 4. On receipt of the said documents, respondents 3 and 4 shall process the same and forward it to the authorities within a period of 3 months from the date of receipt of all the documents from the petitioner. Parties shall cooperate with each other in processing the said papers. Writ Petition accordingly disposed of. No costs.

V.L.ACHLIYA,J.

S.V.GANGAPURWALA,J.

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