

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 3457/2015

(SAJEDA MOHAMMAD ALI **VERSUS** PRESIDENT, BHARTIYA VIDYA MANDIR, AMRAVATI & ORS)

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Shri S. Raisuddin, counsel for the petitioner.
 Shri T. Khan, A.G.P. for the R-3 to 5.

CORAM : SMT. VASANTI A. NAIK AND
A.I.S. CHEEMA, JJ.

DATE : SEPTEMBER 2, 2015.

By this petition, the petitioner seeks a direction to the respondent nos.1 and 2 to consider the proposal of the petitioner for extension of the age of superannuation from 60 to 62 years. The petitioner also seeks a direction to the respondents to pay the interest on delayed payment of pensionary benefits.

Both the prayers made in the writ petition cannot be granted. It appears that the petitioner has retired on superannuation on 30.06.2013. Even if the extension of the age of superannuation could have been granted to the petitioner, the petitioner would have been superannuated on 30.06.2015. The instant petition is filed on 08.06.2015. The same suffers from laches insofar as the first relief is concerned. If the respondent nos.1 and 2 were not considering the proposal of the petitioner for extension of the age of superannuation, the petitioner ought to have approached this Court within a reasonable time, i.e. in the first half of the year 2013. The petitioner waited for a period of nearly two years from her retirement to seek a direction to the respondent nos.1 and 2 to consider the proposal of the petitioner for extension of the age of superannuation. In the circumstances of the case, a direction cannot be issued to the respondent nos.1 and 2 to consider the proposal of the petitioner for extension of the age of superannuation specially, when the extended period has also expired on 30.06.2015.

The other prayer made by the petitioner for a direction to the respondents to pay interest on delayed payment of pensionary benefits, also cannot be granted. The petitioner waited for months together for the respondent nos.1 and 2 to consider her proposal for extension of the age of superannuation. The petitioner did not approach this Court in the beginning of the year 2013 to seek a direction to the respondent nos.1 and 2 to consider her proposal. The petitioner unnecessarily waited for more than a year and then made an application to the management on 25.06.2014 that her pension case be prepared. Till that date, the petitioner was only waiting for the respondents to decide her proposal. After the said request was made, it appears that the management immediately prepared the pension case and sent it to the concerned respondents for payment of the pensionary benefits. It is the case of the petitioner that the pensionary benefits are paid to the petitioner on 19.12.2014. If that be so, there is no delay in payment of pensionary benefits in the circumstances of the case.

Since none of the prayers made by the petitioner could be granted, the petition is dismissed with no order as to costs.

JUDGE

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