

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

WRIT PETITION NO. 3337/2013.

Ku. Usha Shankarrao Dabhane

-VERSUS-

High School Education Society, Achalpur and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

**CORAM : B.P.DHARMADHIKARI &
S.B.SHUKRE, JJ.**

DATE : APRIL 20, 2015.

Heard Shri P.S. Patil, learned Counsel for the petitioner, Shri R.L. Khapre, learned Counsel for respondent nos. 1 and 2 and Shri N.R. Rode, learned A.G.P. for respondent no.3.

2. Looking to the fact that the petitioner is a Senior Citizen, has still not received pension, we grant oral leave made by the learned counsel appearing for petitioner to join Accountant General as party respondent. Necessary amendment be carried out

2

immediately. Learned A.G.P. though waives notice for the added respondent, seeks time as he has not received any instructions from the said office.

3. On 16.02.2015, this Court has directed the management to submit proper proposal within one week from that date and the Education Officer was asked not look into the question of time at that stage. The proposal for pension was directed to be processed and submitted to the competent Authority within one month.

4. Accordingly, that proposal has now reached the office of added respondent. We, therefore, direct the said added respondent to look into it within a further period of four weeks and to release the pension with such arrears to which the petitioner is found entitled thereafter. The payment shall be completed within next two months. Receipt of such pension or arrears shall not preclude the petitioner from challenging the correctness of the exercise undertaken.

3

5. This Court on 16.02.2015, was inclined to see that the petitioner receives pension first, and hence directed the officer to ignore the question of delay. Shri Patil, learned counsel for petitioner insists for grant of interest as provided under Rule 129A and 129B of the Maharashtra Employees of Private Schools Rules, 1982. The learned counsel submits that the management itself is responsible for this delay.

6. Shri Khapre, learned counsel appearing for the management is disputing this.

7. After hearing the parties, we find that some disputed questions arise. We therefore direct the petitioner to make appropriate representation to the respondent no.3 claiming interest in terms of the above provisions, within a period of three weeks from today. If such representation is made, the said authority shall decide the same within a further period of four weeks, after giving opportunity to the petitioner and management, take suitable decision on the entitlement of petitioner to such interest and

4

liability of respondents to pay it. If the petitioner is found entitled to interest, respondent no.3 shall issue necessary orders in favour of the petitioner.

8. With liberty to petitioner to approach again if her grievance is not redressed even thereafter, we with above directions dispose of the Writ Petition. No costs.

JUDGE

JUDGE

Rgd.