

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

WRIT PETITION NO.4747 OF 2014.

Dattatraya Pandurang Thakre ..vs.. Shivaji Shikshan Sanstha and ors.

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

Court's or Judge's orders

Mr.Anand Parchure Adv.with P.Thakre Adv. for the
petitioner.
Mrs.M.N.Hiwase, AGP for resp.3 to 6.
Mr.P.B.Patil, Adv.for respondent no.1 and 2.

**CORAM : B.P.DHARMADHIKARI AND
P.N.DESHMUKH, JJ.**

DATED : AUGUST 31, 2015.

Petitioner presently 86 years old seeks pension. He claims that he worked with a Secondary School of respondent no.1 – Society from 1st of July, 1953 till 15th of May, 1972. It appears that the matter was placed before Pension Lokadalat and looking to the nature of defence it has been placed before the regular Court.

Respondent nos.3 and 4 – Deputy Director of Education and Education Officer as also respondent no.6 (office of Accountant General) state that as petitioner resigned from services, his past service is fortified in terms of Rule 46(1) of Maharashtra Civil Services Pension Rule, 1982 and he is therefore not eligible to claim any pension.

According to respondent nos.1 and 2, petitioner resigned on 11th of November, 1969 and therefore did not complete any qualified service.

Before Maharashtra Civil Services Pension Rule 1982 became applicable, provisions of Civil Services Rules were relevant. What was the norms of qualifying service prescribed therein and whether a person resigning loses his right to pension are the issues which needed consideration. Whether employment with respondent

nos.1 and 2 was then recognized for grant of pension is also one of the issues. Respondent nos.1 and 2 are private employers and school at respondent no.2 was receiving grant-in-aid from government as per provisions of Secondary School Code.

During arguments it has been stated that in order to help such person the State Government had come out with a Scheme in which a minimum pension of Rs.300/- per month was assured and that ceiling has been raised later on.

We find that all these details are missing on record.

In this situation, we grant petitioner liberty to move appropriate representation to respondent no.3 – Deputy Director of Education within a period of three weeks from today. If such representation is made, respondent no.3 shall verify necessary facts, ascertain policy decisions as also legal provisions and then take suitable decision on representation of the petitioner within next three months.

Leaving all these contentions open and with the above observations, writ petition stands disposed of.

No costs.

JUDGE

JUDGE

Chute.