

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

WRIT PETITION NO.5327 OF 2015

[Association of Retired Teaching and Non-teaching Staff of Shri Ayurvedic College, Nagpur .vs. State of Maharashtra]

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

Court's or Judge's orders

Shri K.H. Deshpande, Senior Counsel with Shri Ashwin Deshpande, counsel
for the petitioner,
Mrs. B.H. Dangre, Government Pleader for the respondent.

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

DATED : OCTOBER 26, 2015.

Heard.

By this writ petition, the petitioner has sought a declaration that the teaching and non-teaching staff of the colleges of the petitioner's association are eligible to the benefits of the pension-cum-gratuity scheme as per the Government Resolution dated 21.7.1983. The petitioner has sought a direction to the State Government to implement the Government Resolution dated 17.1.2015 and grant the benefits of the pension-cum-gratuity scheme to the employees, that were appointed before 1.11.2005.

It is the case of the petitioner association that the members of the petitioner are governed by the judgment in Writ Petition No.5771/2011, inasmuch as the petitioner herein is an association of the retired teaching and non-teaching employees of the Ayurved Mahavidyalaya. It is stated that despite the directions of this court to the State Government to grant the benefits of the pension-cum-gratuity scheme, as per the Government Resolution dated 17.1.2015, after considering the eligibility on the basis of the date of appointment, the State Government has not granted the monetary benefits in favour of the members of the petitioner association till date. It is stated that

though the Government Resolution is issued on 17.1.2015, the same has not been implemented till date. It is stated that though this court has granted a period of six months to the State Government to grant the benefits of the pension-cum-gratuity scheme to the petitioners in the other writ petitions, the period may be curtailed in the case of the members of the petitioner association in the instant petition, as the members of the petitioner association are governed by the judgment in Writ Petition No.5771/2011.

Mrs. Dangre, the learned Government Pleader, on instructions from the State Government, states that the benefits of the the pension-cum-gratuity scheme would be granted to the eligible members, as per the Government Resolution dated 17.1.2015, within a period of three months. It is stated that the monetary benefits would be released in favour of the eligible members of the petitioner association, within a period of three months.

By accepting the statement made by the learned Government Pleader, which would be binding on the respondents, we dispose of the writ petition, with no order as to costs. We make it clear that if the monetary benefits are not released in favour of the members of the petitioner association, within a period of three months, the State Government would be liable to pay interest on the said amount. Order accordingly.

JUDGE

JUDGE