

disposal

2. Mr. Suryawanshi, the learned counsel for the petitioner states that the petitioner was appointed as Hostel Superintendent on 01.06.1978. Time to time, approval was granted to the appointment of the petitioner. The learned counsel submits that initially approval was granted on a condition that the petitioner should complete his D.Ed. Course. The petitioner attained the age of superannuation and has retired on 30.06.2010 during the pendency of the present writ petition. The learned counsel further submits that this Court, vide interim order dated 16th March, 2004, had directed Respondent Nos. 3 and 4 to give provisional approval to the petitioner as Hostel Superintendent and release salary of the petitioner till disposal of the writ petition. The petitioner was continued in service. According to the learned counsel, as per subsequent Government Resolution dated 03.06.2008, the Government has relaxed the condition of Hostel Superintendent possessing D.Ed. qualification and even if the Hostel Superintendent does not possess D.Ed. qualification, he should be considered as a trained Superintendent and pay scale of Rs.4500-7000 is to be paid from 1st June, 2008.

3. The learned counsel further submits that the respondents be directed to grant approval to the appointment of the petitioner till the date of his retirement and also direct the respondents to fix the pay scale and release pension and pensionary benefits of the petitioner.

4. Mr. Shinde, the learned AGP submits that as the petitioner was not possessing D.Ed. qualification, the proposal for approval to his appointment is not considered. Even initial approval specifically lays down that that petitioner shall complete D.Ed. and thereafter only would be considered as trained Hostel Superintendent.

5. Mr. Bhange, the learned counsel for respondent Nos. 5 and 6 supports the contention of the petitioner.

6. It is not disputed that pursuant to the interim orders passed by this Court, the petitioner, on attaining age of superannuation, retired from service and was being paid salary in a pay-scale of Rs.4500-7000 from 01.01.2008. The Government Resolution dated 03.06.2008 also states that condition of superintendent possessing D.Ed. qualification is relaxed.

7. In view of the aforesaid conspectus of the matter, the petitioner will have to be considered as a trained Hostel Superintendent. The petitioner was appointed way back in the year 1978. In light of that, we pass following order:

O R D E R

- i. Respondents 3 and 4 authority shall grant approval to the appointment of the petitioner as trained Hostel Superintendent and shall carry out the exercise of pay fixation of the petitioner and thereafter process the pension papers.
- ii. The Management shall also forward the pension papers to the respondent authorities which shall be processed by the respondent authorities in accordance with law, treating the services of the petitioner as trained Hostel Superintendent. The same shall be done expeditiously.

8. Rule is made absolute accordingly. There shall be no order as to costs.

(K. L. WADANE, J.)

(S. V. GANGAPURWALA, J.)

JPC