

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.10424 OF 2016

Shri.Sukhdev Bhimaji Shinde

..Petitioner

V/s.

The Superintendent,
Pay & Provident Fund Unit,
Education Dept., Pune & Ors.

..Respondents

Mr.Vivek V. Salunke for the Petitioner.

Mr.Sandeep L. Babar, AGP for Respondent Nos.1,2 and 4.

**CORAM : ANOOP V. MOHTA AND
G.S. KULKARNI, JJ**

DATE : 19th SEPTEMBER 2016

ORDER :

1. We are inclined to dispose of present Writ Petition by directing Respondent No.2 to decide the case of the petitioner and take a decision on the Pensionary benefits as claimed as early as possible preferably within a period of four months. This is also in view of the decision of the Division Bench of this Court **(Aurangabad Bench) in Writ Petition No.8289 of 2013** dated 29-04-2014, wherein it has been held in paragraph Nos.11 and 12 as under:-

“11. In the facts of the present case also, indisputably the petitioner herein has rendered services as part-time Librarian with respondent No.4-School from 24-08-1982 to 30-07-1997 and

from 01-08-1997 as full-time Librarian till the date of her superannuation i.e. 30-04-2004. Therefore, the services rendered by the petitioner as a part-time Librarian, half of the period of said services will have to be taken into consideration in addition to the period for which the petitioner has worked as full-time Librarian, and accordingly, the petitioner will have to be held entitled for the pensionary benefits.

12. *In the light of discussion herein above, we direct the respondent no.2 to consider the case of the present petitioner for giving her pensionary benefits and to decide the same within three months from today and the necessary arrears which the petitioner is entitled, be accordingly paid. It is made clear that the respondent No.3 will have to take decision and act in the light of discussion herein above and pass necessary orders.*

Rule is made absolute in above terms and in terms of prayer clause "C" of the petition, which reads thus :-

(C) By issuing writ of mandamus or any other appropriate writ, order or direction, respondents may kindly be directed to consider petitioner as an eligible candidate for grant of pensionary benefits after considering half of her part time service as a qualifying service and they may be further directed to take immediate steps for grant and release of all pensionary benefits, including arrears of pension, to the petition within stipulated period."

2. The petition is accordingly disposed of keeping open all issues.
3. Parties to act on an authenticated copy of this order.

(G.S. KULKARNI, J.)

(ANOOP V. MOHTA, J.)