

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 931/2016

(Dilip Pandurang Nimbalkar vs. State of Maharashtra & others)

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

Court's or Judge's order

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Mr.Sachin Khandekar, Advocate for the petitioner
Mr.Deepak Thakre, Additional Government Pleader for
Respondent Nos.1 to 3

CORAM : **SMT. VASANTI A.NAIK &**
MRS.SWAPNA JOSHI, JJ.

DATED : **24th June, 2016**

Heard.

By this Writ Petition, the petitioner seeks a direction against the respondents to consider the claim of the petitioner for release of the pension and retiral benefits, in view of the judgment of this Court, dated 7.1.2014 in Writ Petition No. 2354/2012, and the judgment, dated 29.4.2014, in Writ Petition No. 8289/2013.

According to the petitioner, the petitioner was appointed on the post of part-time Librarian, in the year 1985 and the appointment of the petitioner was duly approved by the Education Officer. In 2006, the said post was converted into a full-time post of Librarian and approval was granted to the absorption of the petitioner on the

said post. The petitioner attained the age of superannuation, while working on the post of full-time Librarian, on 31.10.2008, however, no pension was paid to the petitioner. The petitioner made a representation to the respondents that the petitioner was also entitled to pension, in view of the settled position of law, as referred to herein-above. Since the pensionary benefits were not released in favour of the petitioner, the petitioner has approached this Court.

It is stated on behalf of the petitioner that the issue involved in this case stands covered in favour of the petitioner, by the judgments dated 7.1.2014 and 29.4.2014 in Writ Petition Nos. 2354/2012 and 8289/2013 respectively; as it is held by this Court in the said judgments that 50% of the part-time services rendered by the petitioners therein, should be considered for computing the pensionary benefits of the petitioners. It is stated that a similar order may be passed in the case of the present petitioner also.

Shri Deepak Thakre, the learned Additional Government Pleader appearing on behalf of the respondent nos.1 to 3, fairly admits that the issue involved in this case stands answered in favour of the petitioner, by the two aforesaid judgments and the petitioner is also entitled to similar benefits.

In view of the statement made by the learned Additional Government Pleader, the grievance of the petitioner stands redressed. We dispose of the Writ Petition with a direction to the respondent nos.1 to 3 to release the pensionary benefits to the petitioner, by considering 50% of the part-time services rendered by him, in addition to the full-time services that he has rendered. The pensionary benefits should be released in favour of the petitioner as early as possible. We direct the respondent no. 4 to submit the pension case of the petitioner to the Education Officer within a period of one month from the date of receipt of the copy of the order.

Order accordingly. No costs.

JUDGE

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