

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

WRIT PETITION NO. 1089/2015.

Dr. Prakash Mahadeorao Hiwarkar

-VERSUS-

State of Maharashtra and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

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

DATE : **MARCH 14, 2016.**

Heard Shri F.T. Mirza, learned counsel for the petitioner and Shri D.M. Kale, learned A.G.P. for respondent nos. 1 to 4.

2. Petitioner aged about 62 years is fighting for his pension and retirement benefits. The same have not been released because of objections like – No objection certificate of previous employer; Not furnishing service book of that employer and being responsible for illegal appointments with earlier employer.

3. During hearing we find that the earlier

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employer i.e. H.B.T. College is now under Administrator because of orders of this Court dated 12.08.2014 in Writ Petition Nos. 330/2014, 987/2014, 2210/2014 and 2834/2014.

4. Petitioner has produced before this Court a no objection certificate dated 30.06.2008 issued by the Shadab Education Society which managed HBT College, enabling him to apply to other employer. Thereafter, the petitioner has applied and has been selected and worked as Principal of College of respondent no.5, till his superannuation. His period of service with HBT College as Principal is from 12.10.2000 to 07.08.2009. He has reached age of superannuation on 31.07.2014.

5. The petitioner has apart from the above mentioned no objection certificate, has also produced copy of his service book wherein at record page no.39, fact of relieving from HBT College on 07.08.2009 after noon appears.

6. It appears that the petitioner on 11.10.2014, made a grievance to the Administrator of HBT College for not furnishing him necessary documents. The Administrator has expressed his

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inability, pointing out that the grant of no objection certificate or then subject of pension was to be dealt with by the society and not by the Administrator.

7. The respondent no.3 has filed reply-affidavit before this Court and in paragraph nos. 5 and 6 certain deficiencies have been pointed out.

8. If above facts are looked into, it appears that the deficiencies really may not exist. Even the certificate in relation to the period of alleged illegal appointments has been placed on record to point out that the petitioner could not have been associated with those illegal appointments.

9. In this situation, taking over all view of the matter we find that the respondent no.3 can very well summon for necessary records from HBT College and verify the correctness of the documents placed on record by the petitioner. Petitioner being a senior citizen is entitled to grant of pensionary and retirement benefits at the earliest. Period of 1 ½ years has expired since his superannuation.

10. We therefore, direct the petitioner as also respondent no.5 to appear before the respondent no.3 for said purpose on 15.04.2016 and to abide by his

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further instructions in the matter. Respondent no.3 shall obtain necessary records from HBT College or Shadab Education Society, Nagpur and after verification thereof, take suitable decision on the entitlement of the petitioner, within next 8 weeks.

11. With these directions and keeping all rival contentions open, we dispose of the Writ Petition. No costs.

JUDGE

JUDGE

Rgd.