

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

CIVIL APPLICATION [W] NO.1280 OF 2015

IN

WRIT PETITION NO.229 OF 2015

[Chitra wd/o Vijay Deshmukh .vs. Presiding Officer, School Tribunal, Nagpur and others]

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

Court's or Judge's orders

 Mr. I.G. & S.G. Meshram, Advocate for the applicant-petitioner,
 Mr. P.V. Bhoyar, AGP for the respondent nos.1 & 4,
 Mr. Prashant Gode, Advocate for the respondent nos.2 & 3.

CORAM : PRASANNA B. VARALE, J.

DATED : JANUARY 07, 2016.

Heard.

By the present application, the applicant-petitioner sought directions to the office of Principal of Nagrik Junior College of Education, Ishwarbhoomi, Ambala, Ramtek, Tahsil - Ramtek, District - Nagpur through respondent nos.2 and 3 to complete the formalities for releasing post retirement benefits of applicant as pensionary benefits, provident fund, gratuity.

This court, by order dated 27.7.2015 considering the grievance of the applicant-petitioner, issued certain directions namely, respondent nos.2 and 3, the Management and the Headmaster of the school was directed to forward all the necessary papers to the office of the Deputy Director of Education, Nagpur within fifteen days from the date of the order. The Deputy Director of Education was directed to check the papers and if any deficiencies are found, he was directed to comply with those deficiencies and complete the process within one

month after receipt of the papers from the respondent nos. 2 and 3. Thereafter, the Deputy Director of Education was directed to finalize the pension case of the applicant-petitioner within fifteen days, in accordance with law.

The Deputy Director of Education – Respondent no.4 filed additional reply in response to the order dated 27.7.2015. Perusal of the additional reply reveal that the necessary compliance, as directed by the order of this court dated 27.7.2015, was complied with. The papers were forwarded by the respondent no.2 - School Management and after verification of the proposal, those papers were forwarded to the office of Accountant General-II, Nagpur. The communications to that effect are also placed on record along with the reply at Annexure R-4-B, R-4-C and R-4-D. The Deputy Director of Education also tendered his apology for some delay caused in compliance due to the procedural aspects of the matter. Perusal of the communication dated 16.10.2015 from the office of the Deputy Director of Education clearly shows that the office of the Deputy Director of Education submitted all the necessary documents, including 18 documents and made a request to the office of the Accountant General-II to release the family pension and other monetary entitlements of the applicant-petitioner.

On perusal of the reply filed by the Deputy Director of Education, it is clear that the office of the Deputy Director of Education complied the order passed by this court, dated 27.7.2015 with letter and spirit and made all possible attempts to forward the case papers to the

Accountant General-II and also made a request to the Accountant General-II to release the pension and other monetary benefits.

Mr. Meshram, the learned counsel for the applicant-petitioner, submits that this court, by order dated 27.7.2015, directed the Deputy Director of Education to monitor the matter of pensionary benefits of the applicant-petitioner. The learned counsel further submits that the office of the Account General-II, by communication dated 26.11.2015, forwarded a communication to the Education Officer (Secondary), Zilla Parishad, Nagpur expressing certain deficiencies. It is the submission of Mr. Meshram that in view of the communication and in view of the order passed by this court, dated 27.7.2015, the Deputy Director of Education now is expected to monitor the pension case of the applicant-petitioner and he has to see that the pension is released as early as possible.

Learned Assistant Government Pleader submits that the office of the Deputy Director of Education complied with the order passed by this court, dated 27.7.2015. He further submits that the deficiencies pointed out by the office of the Accountant General-II are in relation to the termination of the applicant-petitioner and the said issue is a issue to be considered and decided by this court in the present writ petition. The learned Assistant Government Pleader submits that the Deputy Director of Education would certainly not be in a position to deal with these aspects, as the issue is pending for decision of this court and on the backdrop of these facts, the Deputy Director of

Education would not be in a position to monitor the pension case, as it is expected by the applicant-petitioner. Learned Assistant Government Pleader submits that the Education Officer (Secondary), Zilla Parishad, Nagpur would forward its reply to the office of Accountant General to the communication dated 26.11.2015.

On the rival submissions of the learned counsel appearing on behalf of the parties as well as on perusal of the order passed by this court, dated 27.7.2015 and the reply filed by the Deputy Director of Education, in my opinion, the order passed by this court is complied with by the office of the Deputy Director of Education. There is considerable merit in the submission of the learned Assistant Government Pleader, as the issue of the termination, whether legal or otherwise, is pending before this court, the Deputy Director of Education would certainly not in a position to take any stand on that aspect of the matter.

In view of these facts, in my opinion, the purpose of Civil Application [W] No.1280/2015 is served. No further orders are required to be passed. Needless to state that if the applicant-petitioner is having any other grievance, he can approach this court either for redressal of such grievance or for early hearing of the petition as the case may.

Application stands disposed of in above terms.

JUDGE