

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

WRIT PETITION NO.5028 OF 2015

(BHAURAO SHIVAJI TORKAD..VS..STATE OF MAH. THR. MINISTRY OF EDUCATION & 4 OTH.)
 WITH

WRIT PETITION NO.5029 OF 2015

(SAMBHAJI NARAYAN GAIKWAD..VS..STATE OF MAH. THR. MINISTRY OF EDUCATION & 4 OTH.)
 WITH

WRIT PETITION NO.5030 OF 2015

(BANDU VITTHALRAO DHAKRE & 2 OTH..VS..STATE OF MAH.THR.MINISTRY OF EDU. & 4 OTH.)

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

Court's or Judge's orders

 Shri P.R.Agrawal, Advocate for Petitioners.
 Ms Mayuri Deshmukh, A.P.P. for Respondents No.1 & 4.

CORAM : B.P.DHARMADHIKARI AND
KUM. INDIRA JAIN, JJ.

DATED : NOVEMBER 21, 2016.

Advocate Shri Agrawal submits that as the petitioners before this Court have entered employment before 01/11/2005, Pension Scheme which has ceased to apply after 31/10/2005 applies to them and therefore, their accounts in terms of prayer clause (i) ought to have been opened. He is relying upon Government Resolution dated 13th April, 2010.

The learned A.G.P. states that the prayer is against the Zilla Parishad and therefore, this Court has on 2nd September, 2016 issued notice to the said Zilla Parishad after recording that the Zilla Parishad/ its officers were not appearing and responding to the summons. On 2nd September, 2016 this Court has passed the following order :

“We find that the reply of the Education Officer (Primary), Zilla Parishad, Yavatmal would be necessary in these petitions. However, the said Zilla Parishad is not represented by a Counsel. None had appeared on behalf of the respondent Zilla Parishad on 26/8/2016 and none appears for the respondent Zilla Parishad today, despite service.

We, therefore, issue notice to the respondent nos. 2 and 3 to show cause as to why action should not be taken against them for not responding to the notice of the Court, returnable on 27/9/2016.

Service by speed post in addition to regular mode of service is permitted.”

In light of the said order, we direct respondent No.3 to take suitable decision on the grievance of the petitioners within four weeks from the date of communication of this order to it.

Needless to mention that we have not recorded any finding on any fact and it is open to the respondents to verify the same from records of the concerned employer.

The writ petitions are thus, partly allowed and disposed of. No costs.

Steno copy granted.

JUDGE

JUDGE