

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6826 OF 2015

Sambhaji Balbhim Jagdale

Petitioner

versus

State of Maharashtra and others

Respondents

Mr.V.S.Talkute for Petitioner.

Mr.S.B.Kalel, AGP, for Respondent nos.1 to 3.

Mr.A.B.Tajane for Respondent nos.5 and 6.

CORAM : SHANTANU S. KEMKAR AND
PRAKASH D. NAIK, JJ.

DATE : 14th February 2017

PC :

1. Heard. The grievance of the Petitioner is that though he had made several applications seeking condonation of break in service of 20 days in the Petitioner's service period and to process pension papers for grant of pensionary benefits to him in terms of directions dated 6 March 2010 of the first Respondent, the Respondent no.2 has not decided Petitioner's pension claim as also have not taken any decision to condone the break in service.

2. Learned counsel for Respondent nos.5 and 6 on the basis of reply, has argued that so far as break in service is concerned, the same is required to be considered by Respondent no.2 Deputy Director, Secondary and High Secondary Education, Pune and Respondent no.3 Education Officer (Secondary), Z.P; Solapur; and as regards entitlement of pensionary reliefs, Respondent nos.2 and 3

have to take into consideration all aspects of the matter including the fact that Petitioner had resigned from service on 10 June 1979 and applied for pensionary benefits on 5 March 2013.

3. Be that as it may, we find that competent authority being Respondent no.2 has to decide both these questions. Taking note of the fact that Petitioner is a retired employee and his pension matter is dragging from one department to another, we are inclined to dispose of the petition by directing Respondent no.2 to decide Petitioner's claim in regard to condonation of break in service of 20 days and the grant of pensionary benefits in a time bound manner. We direct that the Petitioner shall appear before Respondent no.2 Deputy Director, Secondary and Higher Secondary Education, Pune on 1st March 2017 at 11 a.m.. The Secretary/competent officer of Respondent nos.5 and 6 shall also appear before the second Respondent on the said date and time. On 1st March 2017 or immediately thereafter, the second Respondent shall consider submissions of the parties and documents as may be submitted by the parties, and shall take appropriate decision and pass a reasoned order in regard to Petitioner's claims as aforesaid as expeditiously as possible but not later than two months from the date of appearance of the parties before him.

4. With the above directions, the writ petition is disposed of.

(PRAKASH D. NAIK, J.)

(SHANTANU S. KEMKAR, J.)

MST